NEGATIVE DECLARATION & NOTICE OF DETERMINATION

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

ENVIRONMENTAL DETERMINATION NO. ED11-044 **DATE:** April 19, 2012

PROJECT/ENTITLEMENT: Dana Adobe Nipomo Amigos Land Use Ordinance Amendment (LRP2011-00001) and Conditional Use Permit (DRC2011-00042)

APPLICANT NAME: Marina Washburn, Executive Director, Dana Adobe Rancho Amigos
ADDRESS: 671 South Oakglen Avenue Nipomo, CA 93444
CONTACT PERSON: Jan DiLeo **Telephone:** (805) 528-7868

PROPOSED USES/INTENT: Request to amend LUO Secs. 22.112.030.B and 22.112.080.G and allow a Master Plan including a 6,200 sf visitor's center, amphitheater, Chumash Village, 3,000 sf of replicated rancho-era buildings, arena, 1,600-sf caretaker's unit/shop, restroom and onsite septic system, trails, 80,445 sf of landscaping/gardens, parking (21,750-sf main, 17,280-sf overflow), an 0.6-mile emergency access, 2,500-sf ag staging, continued restoration of Dana Adobe, and riparian restoration. The request includes the following special events: 6 at 290-500 persons/event; 12 at 100-250/event; 20 at 50-100/event; 40 at 60-65/event; and 1 at 300-1,500/event. The project would result in the disturbance of approximately 8.3 acres.

LOCATION: East side of S. Oakglen Avenue, approx. one mile southeast of W. Tefft Street, within and immediately adjacent to the community of Nipomo, in the South County Inland planning area.

LEAD AGENCY:
County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Website: http://www.sloplanning.org

OTHER POTENTIAL PERMITTING AGENCIES: Air Pollution Control District, Regional Water Quality Control Board, California Department of Fish and Game, CAL FIRE, Environmental Health

STATE CLEARINGHOUSE REVIEW: YES ☒ **NO** ☐

ADDITIONAL INFORMATION: Additional information pertaining to this environmental Determination may be obtained by contacting the above Lead Agency address of (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....4:30 p.m. May 3, 2012

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County_____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Signature	Brian Pedrotti **Project Manager Name**	**Date**	County of San Luis Obispo **Public Agency**

Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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Project Title & No. Dana Adobe Nipomo Amigos Land Use Ordinance Amendment (LRP2011-00001) and Conditional Use Permit (DRC2011-00042) ED11-044

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☒ Aesthetics	☒ Geology and Soils	☐ Recreation
☐ Agricultural Resources	☒ Hazards/Hazardous Materials	☒ Transportation/Circulation
☒ Air Quality	☒ Noise	☐ Wastewater
☒ Biological Resources	☐ Population/Housing	☒ Water
☒ Cultural Resources	☒ Public Services/Utilities	☒ Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

SWCA — Prepared by (Print) | Signature | 4/2/12 — Date

JOHN NALL — Reviewed by (Print) | Signature | Ellen Carroll, Environmental Coordinator (for) | 4/5/12 — Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by the Dana Adobe Nipomo Amigos (DANA) for: 1) a Land Use Ordinance (LUO) Amendment to Section 22.112.030.B (Community Planning Standards, Combining Designations, Historic Area (H) Dana Adobe), and Section 22.112.080.G (Community Planning Standards, South County Nipomo Urban Area, Recreation – Dana Adobe); and, 2) a Conditional Use Permit/Development Plan to allow the implementation of a Master Plan and The Stories of the Rancho Project, including an approximate 6,200 square-foot (sf) visitor's center, outdoor amphitheater, Chumash Village including exhibits and interpretive features, approximately 3,000 sf of replicated rancho-era buildings, demonstration arena, replacement of existing caretaker's unit with 1,600-sf caretaker's unit and attached shop, restroom and associated onsite septic system, American Disabilities Act (ADA) trail system with exhibits and interpretive features, 80,445 sf of landscaping and historical gardens, vineyard, and orchard, approximate 21,750-sf main parking area, 17,280-sf overflow parking area, and an 0.6-mile emergency access drive, including a flatcar bridge over Nipomo Creek and foot bridges over Adobe and Carillo Creeks, 2,500-sf horse trailer parking and staging area off North Thompson Road. The project includes continued restoration and maintenance of the Dana Adobe pursuant to Secretary of Interior Standards and 0.36 acre of riparian restoration within Carillo Creek. The request includes the following special events: six at 290-500 persons/event; twelve at 100-250 persons/event; twenty at 50-100 persons/event; forty at 60-65 persons/event (bussed-in school field trips); and one at 300-1,500 persons/event. The project includes two primary areas; a 30-acre site owned by DANA including the Dana Adobe and proposed improvements, and an adjacent 100-acre primarily undeveloped area owned by the County and leased by DANA. The project would result in the disturbance of approximately 6.55 acres of the 30-acre site (owned by DANA) and approximately 1.75 acres of the 100-acre site (owned by the County and leased by DANA) (totaling 8.3 acres). The project is located on the east side of South Oakglen Avenue, approximately one mile southeast of West Tefft Street, within and immediately adjacent to the community of Nipomo, in the South County Inland planning area.

BACKGROUND:

Land Use Ordinance Amendment. The proposed amendments would clarify the intent of the Land Use Ordinance (LUO) section by addressing emergency access conditions by removing reference to the Southland Street Interchange (no longer proposed for construction by County and Caltrans), and including a requirement for privately developed emergency access. The

amendments also include minor updates to identify land currently owned by DANA, design standards to maintain historical context and ensure continued preservation and restoration of the Dana Adobe, and establish a requirement for Master Plan and Conditional Use Permit approval, and subsequent development of the project site. The proposed amendments would not remove any intended impediment to growth. The proposed amendments include the following changes, indicated by ~~*strikeout*~~ and underlining. The complete amended LUO sections are provided in Exhibit C.

San Luis Obispo County Code – Title 22, Land Use Ordinance
Proposed Text Change
Article 9 – Community Planning Standards (Revised June 2010)
Combining Designations
Section 22.112.030, Page 9-270

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 an architectural motif compatible with the adobe itself and consistent with the site master plan on file at the Department. This requirement applies to the Dana Adobe site in addition to the requirements of Sections 22.112.080.F.1 through F.4. [Amended 1997, Ord. 2800]~~ consistent with Sections 22.112.080 G.*

San Luis Obispo County Code – Title 22, Land Use Ordinance
Proposed Text Change
Article 9 – Community Planning Standards (Revised June 2010)
South County Nipomo Urban Area
Section 22.112.080, Pages 9-345 to 9-346

G. Recreation (REC) – Dana Adobe. *The following standards apply only to ~~the properties containing and surrounding~~ the Dana Adobe properties shown in Figure 112-57 ~~in addition to the Historic combining designation standard in Section 22.112.030.A~~ **~~B~~***

1. Limitation on use.

a. *Prior to completion of a future ~~Southland Street interchange~~ emergency access accessible by the Dana Adobe properties and/or the creation of a "safe refuge", 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 ~~Southland Street interchange~~ emergency access accessible to the Dana Adobe properties and/or a safe refuge, 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 development of any non-agricultural or non-residential uses shall comply with the Site Master Plan on file with the Department or an approved amendment to that Master Plan. The initial Site Master Plan or major amendments to the Site Master Plan ~~and~~ 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 ~~motif~~ style compatible with the adobe ~~itself~~ and the*

site's interpretation and educational components. Once a Conditional Use Permit has been approved for the Site Master Plan, minor amendments to the Master Plan may be approved by the Planning & Building Department or through a permit as designated in Article 2, Table 2-2 (Allowable Land Uses and Permit Requirements) Section 22.060.30.

4. ***Development requirements.*** *Siting and architecture of both residential and nonresidential uses shall be visually compatible with the Dana Adobe ~~and located to minimize their appearance from the adobe~~. Physical linkage with the adobe site shall be designed that encourages pedestrian travel and interpretation of the site's resources. Landscaping ~~shall be utilized~~ should be used to buffer views between the adobe and ~~development sites~~ support buildings and project infrastructure such as parking lots. Should the nonprofit organization, the Dana Adobe Nipomo Amigos, cease to exist, ~~An area shall be located around the Dana adobe site,~~ the 29 acre site should ~~to~~ be offered for dedication to the County, another nonprofit agency, or appropriate caretaker organization for maintenance and improvements. ~~Funding for the improvement of the adobe and its site at an amount to be determined through permit review shall be provided before occupancy of any proposed development.~~*

Master Plan Development. The proposed project consists of three primary components within the 30-acre area: the Rancho Era, Visitor Center, and Chumash Village. The Master Plan also includes improvements, access, and restoration on the 100-acre area to the east. Development would occur in phases, as funding is available.

The Rancho Era component will include the continued restoration and maintenance of the Dana Adobe, historic tallow vat, and historic barn foundation, and features to assist in visitor experience would include improvements such as:

- replicated rancho-era outbuildings (approximately 3,000 square feet total), including a blacksmith, barn, small animal corral; eight shade ramadas;
- 18,120-sf arena and cattle chute (will also be used for additional overflow parking for 100 valet-parked vehicles);
- replacement of the existing caretaker's unit with a 1,100-sf unit, attached 500-sf shop/storage unit, and onsite septic tank and leachfield;
- 150-sf restroom and associated onsite septic tank and leachfield;
- American Disabilities Act (ADA) trail system (decomposed granite 6 to 10 feet wide), including exhibits, interpretive features, portals, and viewing areas;
- 80,445 sf of drip-irrigated landscaping (total throughout Master Plan), including such items as historic ornamental, medicinal, and vegetable gardens, a vineyard, and an orchard;
- 17,280-sf overflow parking area (60 spaces, gravel base); and utility connections.
- Removal of one locust tree.

The Visitor's Center includes the following:

- 6,226-sf visitor's center building to be constructed in two phases (initially 5,300 square feet, and 966-square foot expansion as funds are available), including: museum, offices, library, conference room, two classrooms, catering kitchen, curator's work and storage area, gift shop, restrooms, general storage area, roof-mounted solar panels,
- Currently proposed regular hours of operation for the visitor's center are Tuesday through Saturday 9:00 am to 5:00 pm and Sundays noon to 5:00 pm;
- 1,825 sf of covered outdoor areas;
- outdoor amphitheater including seating and a small stage;
- Story circle;

- future play area;
- American Disabilities Act (ADA) trail system (decomposed granite 6 to 10 feet wide), including exhibits, interpretive features, portals, and viewing areas;
- 21,750-sf main parking area (40 spaces, bus parking, paved);
- onsite septic tank, sewer lift station, and leachfield; utility connections; and, landscaping.

The Chumash Village will include:

- exhibits and interpretive features, such as a traditional Chumash dwelling, knapping exhibits, Native American gardens, and painted caves;
- ADA trail system (decomposed granite 6 to 10 feet wide) including exhibits, interpretive features, portals, viewing areas, and intermitted stacked stone retaining walls (8 to 30 inches in height);
- ceremonial circle with story boulders;
- 6,750 sf dirt playfield; and
- landscaping.

100-acre Area. The 100-acre portion of the project includes the following components:

- use of existing unimproved agricultural roads for hiking trails; additional multi-use looped trail system (dirt base, 3 to 5 feet wide), including signage, exhibits, and interpretive features;
- looped trail and restoration areas east of Nipomo Creek, including exhibits, interpretive features, and drought-tolerant landscaping;
- 0.36 acre of restoration within Carillo Creek;
- a foot bridge over Adobe Creek and Carillo Creek; and,
- 2,500-sf horse trailer parking and staging area for trail and agricultural uses.
- The remainder of the site will support agricultural and open space uses, including crop production and livestock grazing.

Access. The project site will be accessed by two improved driveways off South Oakglen Avenue. An approximately 0.6 mile, 16 to 18-foot wide, gated, all-weather emergency access drive is proposed to extend from one of the primary driveways off South Oakglen Avenue to Swallow Lane, and continuing to South Thompson Road, and would include a 89-foot long, ten-foot wide flatcar bridge over Nipomo Creek. The existing driveway leading to the Dana Adobe would remain as a service entrance and for ADA access. A circular driveway with two access points is proposed off North Thompson Road for horse trailers, trail user, and agricultural parking. Offsite property-frontage road improvements include widening South Oakglen Avenue to include two 10-foot wide paved travel lanes and an 8-foot wide road base shoulder on the eastern side of the road.

Utilities. Water would be provided by the Nipomo Community Services District (NCSD), via an existing Outside Users Agreement. Approximately 1,200 feet of the existing water main along South Oakglen Avenue would be upsized to accommodate the development.

ASSESSOR PARCEL NUMBER(S): 090-171-011, -030, -031, -032, and -036

Latitude: 35 degrees 1'40.56" N Longitude: 120 degrees 28'8.48" W SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: South County (Inland), Nipomo and Rural

LAND USE CATEGORY: Recreation (30-acre area), Agriculture (100-acre area)

COMBINING DESIGNATION(S): Historic , Flood Hazard

EXISTING USES : 30-acre area: Dana Adobe, caretaker's unit, unpaved driveway and parking, associated landscaping; non-profit events; and, equestrian pasture.

100-acre area: water wells, agricultural uses (livestock grazing), remediation, conservation, and restoration.

TOPOGRAPHY: Nearly level to gently rolling

VEGETATION: Grasses , chaparral , riparian, oak trees, ruderal

PARCEL SIZE: Five parcels (0.25, 20, 40, 40 and 30 acres) totalling 130.25 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture; Residential Suburban agricultural uses, single-family residence(s)	*East:* Agriculture; agricultural uses, single-family residence(s)
South: Agriculture; agricultural uses, single-family residence(s)	*West:* Residential Suburban; undeveloped, agricultural uses

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

1. AESTHETICS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	☐	☒	☐	☐
b) Introduce a use within a scenic view open to public view?	☐	☐	☒	☐
c) Change the visual character of an area?	☐	☒	☐	☐
d) Create glare or night lighting, which may affect surrounding areas?	☐	☒	☐	☐
e) Impact unique geological or physical features?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project site is located on the east side of South Oakglen Avenue, and immediately southwest of South Thompson Avenue, approximately one mile south of Tefft Street. A 30-acre portion of the project site is located within the community of Nipomo (within urban reserve line). These 30 acres include the historic Dana Adobe, which is currently under renovation, a caretaker's unit, unpaved driveway and parking area, fencing, and landscaping. The remaining 100 acres, located outside the Nipomo Urban Reserve Line, are undeveloped and support horse pasture and agricultural roads. Past, current, and forthcoming restoration of Nipomo Creek and uplands are implemented by the County and Land Conservancy, including bank stabilization and oak woodland mitigation.

The visual character of the project site and surrounding area is primarily agricultural with scattered residences. West of U.S. Highway 101, uses include the Southland Wastewater Treatment Facility, and residential and commercial development within the community of Nipomo. The project site is located approximately 0.15 mile east of U.S. Highway 101. Rows of mature trees along the highway and South Oakglen Avenue generally block views of the project site from the highway, as seen from both north and southbound travel lanes. The affected section of U.S. Highway 101 is not a designated scenic roadway, and the project site is not located within an area subject to Highway Corridor Design Standards, or a visually Sensitive Resource Area.

Impact.

Land Use Ordinance Amendment. The proposed LUO Amendment would modify section 22.112.080(G) South County, Recreation land use category, Dana Adobe, development standards. The modified language deletes a requirement that residential and non-residential uses shall be located "to minimize their appearance from the adobe". Proposed language would encourage "interpretation of the site's resources" and use of landscaping to buffer views "between the adobe and support buildings and project infrastructure such as parking lots". Implementation of the amendment would retain the historical context of the Dana Adobe, including views from public roads and the

adobe site itself. No significant visual impacts would occur as a result of the proposed LUO Amendment.

Conditional Use Permit. The proposed project includes an approximately 6,266-square foot (sf) visitor and education center, administrative office and curator's building; an approximately 1.4-mile long interpretive nature trail system (including landscaping, benches, and fencing); Native American interpretive features (such as a living Chumash village, knapping exhibits, story boulders, Native American gardens, and painted caves); a native habitat interpretation and restoration area; two picnic areas; support facilities; and associated infrastructure (i.e., parking area, trash enclosures, restrooms, fencing, landscaping and irrigation, lighting, utility connections, walkways, a wastewater facility, and drainage/erosion control). The proposed project would include crossings of Nipomo Creek (emergency access), Adobe Creek (new foot bridge), and Carillo Creek (new foot bridge). All structure development (aside from the multi-use trail, exhibits/educational features along the multi-use trail, and emergency access drive) would be located on the 30-acre area.

Proposed development would be primarily visible from South Oakglen Avenue, a local road serving the existing Dana Adobe and surrounding residences and agricultural uses. The development would also be visible from South Thompson Road. Existing mature trees would generally block views of the development from U.S. Highway 101.

Visual Compatibility and Character. The proposed uses would be generally aesthetically compatible with surrounding uses, and would not change the rural/urban fringe character of the area, as seen from public roadways. Proposed architectural elements would be consistent with the historical context of the Dana Adobe. Use of exterior colors and materials consistent with the surrounding landscape would further enhance visual compatibility. Parking areas would be located adjacent to South Oakglen Avenue, a dead-end road, and would generally be shielded from views along U.S. Highway 101. The proposed secondary access road would generally be screened from view by existing topography and vegetation. Based on incorporation of mitigation measures identified below, potential impacts would be less than significant.

Glare and/or Night Lighting. The proposed use includes special events, which may be held during night-time hours. Exterior lighting within the Rancho Era, visitor center, Chumash Village, and associated parking areas may be visible from U.S. Highway 101, and would create glare in the immediate area. Shielded and down-cast lighting is proposed to minimize off-site light and glare include shielded lighting, which would mitigate potential impacts to less than significant.

Unique Geological or Physical Features. The most prominent scenic features in the area include the Nipomo Valley and Temettate Ridge. Views of the valley are intermittent, depending on mature trees, landscaping, and rolling topography. Views of the ridge are clear as seen from U.S. Highway 101, the Dana Adobe, and surrounding areas. Implementation of the project would not block views of ridge, and the applicant proposes to maintain historical views as seen from the Dana Adobe. Based on the design of the project, potential impacts would be less than significant.

Mitigation/Conclusion. In order to verify that impacts would be mitigated to less than significant, the applicant will be required to submit and implement an approved colors and materials board and exterior lighting plan, demonstrating consistency with the surrounding landscape and historical setting, and minimizing light and glare affecting off-site properties and the night sky (refer to Exhibit B).

2. AGRICULTURAL RESOURCES - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Convert prime agricultural land to non-agricultural use?	☐	☐	☒	☐

2. AGRICULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
c) Conflict with existing zoning or Williamson Act program?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. Project Elements: The following area-specific elements relate to the property's importance for agricultural production:

30-acre area:

Land Use Category: Recreation

State Classification: Prime Farmland if irrigated and drained; Farmland of Statewide Importance

Historic Commercial Crops: Cattle grazing, hide and tallow production (none existing)

In Agricultural Preserve? No

Under Williamson Act contract? No

The soil type(s) and characteristics on the 30-acre portion of the project site include:

170 – Marimel silty clay loam, 0-2 percent slopes (irrigated Class 1, non-irrigated Class 3). The Marimel component makes up approximately 13 percent of the map unit. The parent material of this soil type is alluvium derived from sedimentary rock. The natural drainage class of this unit is well drained, and it is composed of silty clay loam and stratified loam to clay loam to silty clay loam. Marimel soils tend to occur on alluvial fans and in valleys. This soil unit does not have any listed hydric components or inclusions that meet the hydric soils criteria.

184 – Oceano sand, 0-9 percent slopes (irrigated Class 4, non-irrigated Class 6). The Oceano (0-9 percent slopes) component makes up approximately seven percent of the map unit. The parent material of this soil type is Eolian deposits. The natural drainage class of this unit is excessively drained, and it is composed entirely of sand. Oceano soils tend to occur on dunes and toeslopes. This soil unit does not have any listed hydric components or inclusions that meet the hydric soils criteria.

185 – Oceano sand, 9-30 percent slopes (irrigated Class 4, non-irrigated Class 6). The Oceano (9-30 percent slopes) component makes up approximately five percent of the map unit. The parent material of this soil type is Eolian deposits. The natural drainage class of this unit is excessively drained, and it is composed entirely of sand. Oceano soils tend to occur on dunes and toeslopes. This soil unit does not have any listed hydric components or inclusions that meet the hydric soils criteria.

Historic agricultural uses at the Dana Adobe included raising cattle and the production of hides and tallow. The project site does not currently support agricultural production, and is not irrigated. At times, horses are grazed within the project site.

100-acre area:

Land Use Category: Agriculture

State Classification: Prime Farmland if irrigated; Prime Farmland if irrigated and drained; Farmland of Statewide Importance

Historic/Existing Commercial Crops: Cattle grazing, dry grain

In Agricultural Preserve? No

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

129 – Diablo clay, 5-9 percent slopes (irrigated Class 2, non-irrigated Class 3). The Diablo clay component makes up approximately 10 percent of the map unit. The parent material of this soil type is residuum weathered from mudstone, sandstone, and/or shale. The natural drainage class of this unit is well drained, and it is composed of clay over weathered bedrock. Diablo clay soils tend to occur on backslopes and summits.

130 – Diablo and Cibo clays, 9-15 percent slopes (irrigated Class 3, non-irrigated Class 3). The Diablo and Cibo clay component makes up approximately five percent of the map unit. The parent material of this soil type is residuum weathered from mudstone, sandstone, and/or shale. The natural drainage class of this unit is well drained, and it is composed of clay over weathered bedrock. Diablo and Cibo clay soils tend to occur on backslopes and summits.

170 – Marimel silty clay loam, 0-2 percent slopes (irrigated Class 1, non-irrigated Class 3). The Marimel component makes up approximately 13 percent of the map unit. The parent material of this soil type is alluvium derived from sedimentary rock. The natural drainage class of this unit is well drained, and it is composed of silty clay loam and stratified loam to clay loam to silty clay loam. Marimel soils tend to occur on alluvial fans and in valleys. This soil unit does not have any listed hydric components or inclusions that meet the hydric soils criteria.

218 – Tierra loam, 15-30 percent slopes (irrigated Class 6, non-irrigated Class 6). The Tierra component makes up approximately 11 percent of the map unit. The parent material of this soil type is alluvium derived from sedimentary rock. The natural drainage class of this unit is moderately well drained, and it is composed of loam, clay, and sandy clay loam. Tierra loam soils tend to occur on terraces, backslopes, summits, and toeslopes. This soil unit does not have any listed hydric components or inclusions that meet the hydric soils criteria.

224 – Zaca clay, 9-15 percent slopes (irrigated Class 3, non-irrigated Class 3). The Zaca component makes up approximately 49 percent of the map unit. The parent material of this soil type is residuum weathered from calcareous mudstone, sandstone, and/or shale. The natural drainage class of this unit is well drained, and it is composed of clay and silty clay over weathered bedrock. Zaca soils tend to occur on summits and backslopes.

Impact. The proposed project was reviewed by the County Agriculture Department (2012). The Agriculture Department noted that the project would have less than significant impacts to agricultural resources or operations. The Agriculture Department recommended conditions to maximize the availability of water for agricultural production, minimize runoff, and maximize groundwater recharge. The project does not include any turf areas, and drip-irrigated landscaping would be native and drought-tolerant. The project includes pervious surfaces for paths and overflow parking areas, and construction of a rain garden. In addition, the applicant is required to comply with Interim Low Impact Development (LID) guidelines (refer to Section 6 Geology and Soils). Therefore, the project is consistent with the Agriculture Department's recommendations as proposed and in compliance with recommended mitigation measures.

Land Use Ordinance Amendment. The proposed amendment would not result in a significant impact to water available for agricultural use, because the calculated water demand for the project would not exceed the amount that would be required if the site was developed for residential use, and the proposed water source would be the NCSD. The 100-acre area, and agricultural uses outside the NCSD service boundary, would continue to use onsite wells for water supply. Other proposed LUO changes are only applicable to the Recreation portion of the project site, and would not result in adverse impacts to surrounding agricultural uses. Therefore, potential impacts to agriculture would be less than significant.

Conditional Use Permit. The existing Dana Adobe and proposed uses would be located within the 30-acre area west of Nipomo Creek on Oceano Sand (0 to 9 and 9-30 percent slopes), and within areas designated as Farmland of Statewide Importance. Uses east of Nipomo Creek (within the 100-

acre area), and within areas designated as Prime Farmland if irrigated and Farmland of Statewide Importance, would include rough-graded trails and the secondary access road extending to Swallow Lane.

Conversion of Agricultural Land. Implementation of the project would not convert prime agricultural land to non-agricultural uses. Master Plan development would occur within lands considered Farmland of Statewide Importance; however, these areas are not used for production agriculture. The 100 acres of land east of Nipomo Creek is not irrigated, and historically supported cattle grazing and dryfarming. The development of trails and the creation of a secondary access road would not hinder grazing and other potential agricultural activities in the future. Within the 30-acrea area, proposed uses include education about the historical and modern agricultural uses at the project site, and the Nipomo Rancho, including the historic tallow vat, an equestrian arena, recreated barn, and interpretive gardens, orchard, and vineyard. Lands east of Nipomo Creek would support open space and agricultural uses, including crop production and livestock grazing outside of County and Land Conservancy restoration areas. Based on the location and nature of proposed uses, these impacts are considered less than significant, and no mitigation is necessary.

Impairment of Agriculture Use/Williamson Act. Parcels to the northwest, northeast, and southeast of the 100-acre area are under Williamson Act contract. These parcels are located approximately 300 feet southeast of the emergency access drive, and 300 feet northwest and 500 feet west of existing ranch roads (to be used as public trails). The Holloway Christmas Tree Farm is located approximately 0.2 mile to the northwest of the Dana Adobe, on South Oakglen Avenue. Implementation of the project would not include any uses directly adjacent to adjacent agricultural lands, and would not include any activities that would impair agricultural uses in the area. Therefore, impacts are considered less than significant, and no mitigation is necessary.

Zoning Conflicts. The proposed uses are consistent with the land use category of applicable parcels, and would not result in any land use conflicts. Special events would be limited to the property west of Nipomo Creek, within the Recreation land use category. Therefore, impacts would be less than significant.

Mitigation/Conclusion. Based on the location of proposed development, and the continued use of the Agriculture-designated portion of the project site for crop production, equestrian use, and livestock grazing (outside of riparian and County and Land Conservancy restoration areas), potential impacts to agricultural resources would be less than significant, and no mitigation measures are necessary.

3. AIR QUALITY - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☒	☐	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☐	☒	☐
c) Create or subject individuals to objectionable odors?	☐	☐	☒	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting. The Air Pollution Control District (APCD) has developed the 2009 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Currently, the Nipomo Mesa is in non-attainment for particulate matter. When reviewing a project for potentially significant impacts, current conditions are considered the baseline. Impacts from a specific project are determined by looking at increases in diesel emissions, dust created by construction activities, operational phase emissions cause by certain equipment and the number of vehicle trips associated with the proposed use.

The proximity of sensitive individuals (receptors) to a construction site constitutes a special condition and may require a more comprehensive evaluation of toxic diesel PM impacts and more aggressive implementation of mitigation measures described below in the diesel idling section (if deemed necessary by the SLOAPCD). Areas where sensitive receptors are most likely to spend time include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The types of construction projects that typically require a more comprehensive evaluation include large-scale, long-term projects that occur within 1,000 feet of a sensitive receptor locations.

Portable equipment and engines 50 horsepower (hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the Air Resources Board) or an Air District permit, which is an existing standard regulation.

In addition to reviewing the project's construction and operational phase emissions, the California Attorney General has required numerous projects reviewed through CEQA to quantify and implement feasible project level mitigation of greenhouse gas (GHG) emissions. Further, the Attorney General has stated that any project that produces large GHG emission increases clearly could be an obstacle to the State's effort to reach the goals defined in Assembly Bill (AB) 32 and Senate Bill (SB) 375 to reduce GHG emissions and promote sustainable community strategies.

Impact.

Land Use Ordinance Amendment. The proposed amendments do not include language that would have an adverse effect to air quality, aside from project-specific emissions (refer to discussion below).

Conditional Use Permit. As proposed, the project will result in the disturbance of approximately 8.3 acres. Disturbance would occur in phases, as development can be funded and implemented.

Violation of Standards. Grading and construction activities would result in the creation of construction dust, as well as short- and long-term vehicle emissions. While the timing of development phases is currently unknown, the total area of disturbance was used to model "worst-case scenario" air emissions, using URBEMIS (version 9.2.4). Calculations of unmitigated construction emissions are shown in Table 1 below.

Table 1. Construction Emissions (Unmitigated)

	ROG	NO_x	CO	PM_{10}	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)	CO_2
Winter (lbs/day)	11.16	65.75	40.57	41.62	4.34	3.99	5,626.63
Threshold (lbs/day)*	137		n/a	n/a	7		n/a
Mitigation Required	No		n/a	n/a	Yes		n/a

*Source: County of San Luis Obispo, APCD CEQA Air Quality Handbook, 2009

Based on the results of the modeling, construction of the project would not exceed ROG and NO_x emissions during the construction phase. The project would generate particulate matter (PM) exceeding the APCD threshold, within an area in non-attainment for particulate matter. In addition, ground disturbance would generate dust potentially resulting in a nuisance for adjacent residential and agricultural land uses. Standard mitigation is recommended to reduce potential emissions to a less than significant level.

Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Based on Technical Appendix 4.4 of the APCD's CEQA Handbook, the project site is within a location of potentially occurring NOA, and standard mitigation would apply. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Quarrying, and Surface Mining Operations. These requirements may include but are not limited to: development of an Asbestos Dust Mitigation Plan which must be approved by the APCD before operations begin, and, development and approval of an Asbestos Health and Safety Program. If NOA is not present, an exemption request must be filed with the Air District. Based on review of the Soils Engineering Report (GeoSolutions, 2011), the 30-acre portion of the site does not include serpentine, ultramafic, or Franciscan soils, which are known to contain NOA.

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines. If utility pipelines are scheduled for removal or relocation or a building(s) is proposed to be removed or renovated, various regulatory requirements may apply, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification to the APCD, 2) an asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM.

The APCD has set thresholds for ozone precursor emissions, diesel particulate matter (DPM), fugitive particulate matter emissions (dust), and carbon monoxide emissions (CO). Ozone precursor emissions are measured as combined ROG and NO_x emissions. DPM is seldom emitted from individual projects in quantities which lead to local or regional air quality attainment violations. DPM is, however, a toxic air contaminant and carcinogen, and exposure to DPM may lead to increased cancer risk and respiratory problems. Certain industrial and commercial projects may emit substantial quantities of DPM through the use of stationary and mobile on-site diesel-powered equipment as well diesel trucks and other vehicles that serve the project.

Projects which emit more than 25 lbs/day or 25 tons/year of fugitive particulate matter need to implement permanent dust control measures to mitigate the emissions below these thresholds or provide suitable off-site mitigation approved by the APCD. Any land uses or activities can result in dust emissions that exceed the APCD significance thresholds, cause violations of an air quality standard, or create a nuisance impact in violation of APCD Rule 402, Nuisance. In all cases where such impacts are predicted, appropriate fugitive dust mitigation measures shall be implemented. Driveways, paths, and trails within the area proposed for developed would be paved or surfaced with decomposed granite or gravel, which would reduce the creation of dust. The existing driveway to the Dana Adobe, existing ranch roads on the 100-acre area, and proposed trails on the 100-acre area would not be paved or surfaced, which may create dust when used. Operation of the arena would generate dust, and would require suppression measures.

Based on the traffic report conducted for the project, which considered a "worst case scenario", the average daily trips generated by the project would be 26 during the week days (Monday through Friday), and approximately 280 on the weekends (assuming a lecture and concert occur on the same day) (Rick Engineering, 2012). Operational emissions that would result from the proposed project were calculated using URBEMIS 2007 Version 9.2.4, pursuant to the CEQA Handbook (refer to Table 2 below). In general, projects that do not exceed APCD thresholds for ozone precursor emissions or dust do not require mitigation for long-term operational effects on air quality. APCD's recommended levels of mitigation for these pollutants are shown below in Table 3.

Table 2. Area Source and Operational Emissions (Unmitigated)

	ROG	NO_x	CO	PM_{10}	CO_2
Winter (lbs/day)	2.80	4.08	30.94	481.29	2,082.99
Threshold (lbs/day)*	25		550	25	n/a
Mitigation Required	No		No	Yes	n/a
Annual (tons/yr)	0.49	0.64	5.63	87.84	395.16
Threshold (tons/yr)*	25		n/a	25	n/a
Mitigation Required	No		n/a	No	n/a

*Source: County of San Luis Obispo, APCD CEQA Air Quality Handbook, 2009

Table 3. SLOAPCD Long Term Operational Mitigation Threshold Guide

Combined ROG+NO_x or PM_{10} Emissions (lbs/day)	Mitigation Measures Recommended	
	Residential, Commercial or Industrial	Off-Site Mitigation
< 25	None	None
25 – 29	8	*
30 – 34	14	*
35 – 50	18	*
≥ 50	All Feasible	*
≥ 25 ton/yr	All Feasible	Yes

* Will be dependent on the effectiveness of the mitigation measures, location of project and high vehicle dependent development. Examples of projects potentially subject to off-site mitigation include: rural subdivisions, drive-through applications, commercial development located far from urban core.

Source: County of San Luis Obispo, APCD CEQA Air Quality Handbook, 2009

Operation of the project includes the use of unpaved overflow parking areas during special events, including the arena (approximately 0.81 acre total). Use of these areas contributes to the generation of fugitive dust, and may exceed the daily and annual threshold. The APCD has developed mitigation measures specific for the use of overflow parking during special events, which would reduce this impact to less than significant.

Sensitive Receptors. As noted above, the project may generate DPM and fugitive dust, potentially adversely affecting nearby sensitive receptors. Mitigation is recommended to minimize adverse effects to less than significant, including dust suppression and idling limitations.

Objectionable Odors. Use of the proposed arena may generate odors; however, the existing use of the site includes equestrian grazing, and surrounding areas are agricultural in nature. This use would be consistent with other uses in the area, and would not generate substantial odors affecting adjacent landowners.

Clean Air Plan. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan.

Greenhouse Gas Emissions. In California, the main sources of Greenhouse Gases (GHGs) are from the transportation and energy sectors. GHGs remain in the atmosphere for periods ranging from decades to centuries; the main GHGs emitted by human activities include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCS), perfluorocarbons (PFCS), and sulfur hexafluoride (SF_6).

A warming trend of approximately 1.0 to 1.7 degrees Fahrenheit occurred during the 20th Century. It is generally agreed that human activity has been increasing the concentration of GHGs in the atmosphere, mostly CO_2 from the combustion of coal, oil and gas (NCDC 2008). The effect of each GHG on climate change is measured as a combination of the volume or mass of its emissions, and the potential of a gas or aerosol to trap heat in the atmosphere (global warming potential), and is expressed as a function of how much warming would be caused by the same mass of CO2.

The potential effects on future climate change on California resources include increases of air temperature, sea level rise, reduced water resources and changed flood hydrology, changed forest composition and productivity, increased wild fires, changed habitats and ecosystems, changed crop yields and increased irrigation demands, and increased smog and public health issues.

Based on emission estimates calculated with URBEMIS 2007 (refer to Table 1 above)), development of the project would generate approximately 5,626.63 lbs/day of CO2 during construction and then 395.16 tons/year throughout the life of the project. While statewide and local/regional thresholds have not yet been adopted, the level of construction and operational emissions are considered to be substantial because of the transportation sector's heavy influence on GHG emissions. The APCD has no authority to require implementation of GHG reduction measures, as no applicable standard or threshold has been established which could be applied to the project. However, CEQA requires the Lead Agency (County) to implement any feasible alternatives or mitigation measures which would substantially lessen significant environmental effects of a project prior to agency approval (Public Resources Code Section 21002). Standard APCD GHG reduction measures are recommended to reduce any GHG impacts to the maximum extent feasible, and many are consistent with the proposed Master Plan (i.e., creation of multi-use paths, use of busses to shuttle visitors, native landscaping).

Mitigation/Conclusion. Standard mitigation measures are recommended to reduce potential air quality impacts to less than significant, including measures addressing fugitive dust (PM_{10}), diesel particulate matter (DPM), potential naturally occurring asbestos on the 100-acre portion of the project site, asbestos-containing material, and dust generated during special events (i.e., use of the demonstration arena and overflow parking areas). In addition, design recommendations are provided to further reduce the generation of greenhouse gas emissions, including energy efficiency measures. Based on implementation of these measures (refer to Exhibit B), potential impacts would be less than significant.

4. BIOLOGICAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☒	☐	☐
c) Impact wetland or riparian habitat?	☐	☒	☐	☐
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☒	☐	☐
e) Other: _____	☐	☐	☐	☐

Setting. The project site is located near the southern boundary of San Luis Obispo County, within the community of Nipomo. Elevations within the project site range from approximately 76 to 95 meters (m) or 250 to 310 feet above mean sea level (msl). The project site is located adjacent to agricultural fields and a few private residences. Three creek corridors occur on the project site: Nipomo Creek, Adobe Creek, and Carillo Creek.

The project site was surveyed by Terra Verde biologists on May 31, 2010, and May 19 and 25, 2011. Additional focused visits to Carillo Creek and the surrounding areas were conducted in the summer and fall of 2011. The results of the surveys are documented in the *Dana Adobe Stories of the Rancho Project Biological Resources Assessment* (Terra Verde; 2011) and are incorporated into the discussion and analysis below.

Native and Important Vegetation. Four vegetation communities were observed within the survey area. The area west of Nipomo Creek includes the Dana Adobe and associated uses, access driveway and informal parking area, and fenced equestrian pasture. Habitat and vegetation within the 30-acre area includes a eucalyptus tree, locust trees, coastal scrub (yellow bush lupine scrub), and individual coast live oak trees.

Agricultural/rangeland is present east of Nipomo Creek. Vegetation communities within this 100-acre area, including Nipomo Creek, include: ruderal/disturbed, grassland (wild oats grassland, perennial ryegrass fields); riparian (seasonal drainage/arroyo willow scrub, riparian oak woodland/coast live oak woodland); and seasonal wetland (creeping rye grass turfs). Current and proposed agency restoration efforts on the 100-acre portion of the site include: riparian corridor restoration by the Land Conservancy; and, oak woodland restoration to be implemented by the County of San Luis Obispo as mitigation for the Willow Road project.

Special Status Species. Terra Verde staff determined that the survey area contains suitable habitat for 21 sensitive plants. No sensitive plant species were observed on site during the seasonal field surveys. Based on surveys of the project site and assessment of habitat, the following species are not expected to occur: California tiger salamander (*Ambystoma californiense)* (Federal and State Threatened, State Species of Special Concern); Western spadefoot toad (*Spea hammondii*) (State Species of Special Concern); and, southern steelhead (*Oncorhynchus mykiss irideus*) (Federally Protected Species). Only one special status species was observed during field surveys, white-tailed kite. The project site supports potential habitat for 14 special status species, which are discussed below.

American Badger (*Taxidea taxus*), State Species of Special Concern. American badger is a non-migratory species that occurs throughout most of California. It occurs in more open and arid habitats including grasslands, meadows, savannahs, open-canopy desert scrub, and open chaparrals. It requires friable soils in areas with low to moderate slopes. American badger typically breeds from May through September, but it may not breed every year. This species has not been previously documented within a five-mile radius of the project site (CDFG 2011). The grasslands within and surrounding the survey area are considered suitable habitat for American badger, although suitable burrows for this species were not observed. This species was not observed within the survey area during the field surveys.

Pallid Bat (*Antrozous pallidus*), State Species of Special Concern. Pallid bat is typically found in arid desert habitats and utilizes protective landscape features for roosting such as rock crevices, caves, tree hollows, mines, old buildings, and bridges. They also occur in oak and pine forested areas and open farmland. This species uses semi-dark day-roosts which provide some protective cover. Pallid bats prefer darkness, shelter from wind and rain, and an easy escape if they are disturbed. Although not a requirement, roosts are generally found near a source of water. Breeding begins in October and continues sporadically throughout the winter. This species has not been previously documented within a five-mile radius of the project site (CDFG 2011). The open agricultural lands and the riparian corridor are considered suitable foraging lands for this species. This species was not observed within the survey area during the field surveys.

California Red-legged Frog (*Rana draytonii*), Federal Threatened, State Species of Special Concern. California red-legged frogs require permanent or semi-permanent bodies of water such as lakes, streams, or ponds with plant cover for foraging and breeding habitat. These frogs also use lowland and grassland areas to hunt and forage for food. Frogs have been documented more than a mile away from waterbodies. Reproduction occurs in aquatic habitats and occurs from late November to early April. Egg masses are laid in the water, often under the protection of emergent vegetation. California red-legged frog is known to occur near the project site. This species has been documented within a five-mile radius of the project site (CDFG 2011).

The riparian corridor is not considered suitable breeding habitat for this species due to the variable source of water and lack of deep pools. The dense riparian vegetation around the creek and the surrounding open grassland provide suitable foraging and upland habitat for this species. This species was not observed within the survey area during the field surveys, however, a documented occurrence is known near the project site.

Coast Range Newt (*Taricha torosa torosa*), State Species of Special Concern. Coast range newts are typically found in slow moving streams, ponds, and lakes with surrounding evergreen and oak forests, chaparral, and rolling grasslands along the coast. In southern California, drier chaparral, oak woodland, and grasslands are also used as habitat. Adults migrate from terrestrial habitats to ponds, reservoirs, and sluggish pools in streams to breed, typically between December and February, depending on rainfall amounts. This species is endemic to California, found along the coast and Coast Range Mountains from Mendocino County south to San Diego County. This species has not been previously documented within a five-mile radius of the project site (CDFG 2011). The riparian corridor and adjacent grasslands are considered suitable habitat for this species. This species was not observed within the survey area during the field surveys.

Southern Pacific Pond Turtle (*Actinemys marmorata pallida*), State Species of Special Concern. Southern Pacific pond turtle, formerly known as the western pond turtle, occupies a wide range of habitats including wetlands, rivers, streams, lakes, and stock ponds for feeding and basking sites. These turtles also require upland areas for aestivation, wintering, and nesting sites. Nesting typically occurs along the edges of lakes or ponds but may also occur up to 500 meters from water. This species starts nesting in April with a peak in May through July and typically concludes in August. Turtles have been documented as traveling up to 60 meters into upland areas for aestivation sites. This species has not been previously documented within a five-mile radius of the project site (CDFG

2011). The project area lacks deep pools and basking sites required by turtles. However, the riparian corridor and the adjacent upland areas are considered marginally suitable habitat for this species. No pond turtles were observed during the surveys.

Silvery Legless Lizard (*Anniella pulchra pulchra*), State Species of Special Concern. Silvery legless lizard requires sandy or loose loamy soils within coastal dune scrub, coastal sage scrub, chaparral, woodland, riparian, or forest habitats. It requires cover such as debris, logs, leaf litter, or rocks and will cover itself with loose soil. Silvery legless lizard is thought to be a diurnal species that breeds between the months of March through July. It gives live birth to young in the early fall. This species has not been previously documented within a five-mile radius of the project site (CDFG 2011). The coastal scrub community on the western side of the survey area is suitable habitat for this species. Silvery legless lizard was not observed within the survey area during the field surveys.

Coast Horned Lizard (*Phrynosoma blainvillii*), State Species of Special Concern. Coast horned lizards inhabit open areas of sandy soil and low vegetation in valleys, foothills, and semiarid mountains from sea level to 82,438 m in elevation. They are typically found in grasslands, coniferous forests, woodlands, and chaparral, with open areas and patches of loose soil. Additionally, they are often found in lowlands along sandy washes with scattered shrubs and along dirt roads, and are frequently found near ant hills. This species has been documented within a five-mile radius of the project site (CDFG 2011). The sandy soils and shrubs on the western side of the survey area are suitable habitat for this species. This species was not observed within the survey area during the field surveys.

Two-striped Gartersnake (*Thamnophis hammondii*), State Species of Special Concern. Highly aquatic, two-striped garter snakes forage primarily in and along streams hunting fishes, especially trout and sculpins and their eggs, and amphibians and amphibian larvae. The preferred nocturnal retreats of this active diurnal snake are thought to be holes, especially mammal burrows, crevices, and surface objects (Rathburn et al. 1993). During the day this gartersnake often basks on streamside rocks or on densely vegetated stream banks. When disturbed it usually retreats rapidly to water. In milder areas, mammal burrows and surface objects such as rocks and rotting logs serve as winter refuges. Courtship and mating normally occur soon after spring emergence. Young are born alive in the late summer, usually in secluded sites such as under the loose bark of rotting logs or in dense vegetation near pond or stream margins (Cunningham 1959, Rossman et al. 1996). Historically common, it is associated with permanent or semi-permanent bodies of water in a variety of habitats from sea level to 2,400 m. This species has not been previously documented within a five-mile radius of the project site (CDFG 2011). Nipomo Creek and the riparian corridor is suitable habitat for this species. This species was not observed within the survey area during the field surveys.

Sharp-shinned Hawk (*Accipiter striatus*), Federal Threatened, State Species of Special Concern. Sharp-shinned hawk inhabits a variety of natural and urban habitat communities, including aspen, pine, and fir forests and urban, rural, and agricultural areas. This species typically nests in conifer trees, 20 to 60 feet above the ground where there is sufficient overhead shading. Peak nesting season for this species is from March to June, but often extends through the summer. Breeding range for this species typically occurs in colder areas, including high elevation forests in the Rocky Mountains, large areas of Canada, Alaska, and most of the northeastern United States. Breeding grounds also extend into portions of northern California, Nevada, and Washington. Much of the Canadian territory for sharp-shinned hawk is utilized only during the breeding season. This species has been documented within a five-mile radius of the project site (CDFG 2011). The agricultural fields and upland habitat occurring on and near the project site are considered potential foraging habitat for this species. This species was not observed during the field surveys.

Burrowing Owl (*Athene cunicularia*), State Species of Special Concern. Burrowing owls are yearlong residents of open, dry grasslands and desert habitats, and in grass, forb, and open shrub stages of pinyon-juniper woodland and ponderosa pine forest habitats. Burrowing owls eat mostly insects, but will also eat small mammals, reptiles, birds, and carrion. They use rodent or other burrows for roosting

and nesting cover, moving between perches and burrows to thermoregulate as temperatures change throughout the day. Nesting occurs in old burrows of small mammals but they may dig their own burrows in soft soils. These owls may also use pipes, culverts, or nest boxes when burrows are sparse. Breeding occurs from March through August, with a peak in April and May (Zeiner, et al). This species is typically a winter resident in the western portion of San Luis Obispo County, with breeding occurring in the eastern portion of the County. This species has not been previously documented within a five-mile radius of the project site (CDFG 2011). The agricultural fields on and near the project site are considered suitable habitat for this species. However, no suitable burrows were observed, and the vegetation of the grasslands is taller than that typically used by these owls. This species was not observed during the field surveys.

White-tailed Kite (*Elanus leucurus*), State Fully Protected Species. White-tailed kites require coastal and valley lowlands along with herbaceous open space habitats. Suitable habitat for this species consists of three components; nesting, foraging, and roosting. Kites will nest in various types of trees including dense oaks, willows, or other tree stands. Nests are placed atop trees at least 6 to 20 meters above the ground and are made from sticks, twigs, or other ground litter. This species forages for small mammals during long-distance flights over a wide variety of terrain including grasslands, meadows, and farmlands. Kites hover above the ground at 30 meters then descend onto prey with wings held high. Kites spend the majority of time perched in roosting and nesting sites that are adjacent or close to foraging habitats. Kite nesting season is typically from February to October with a peak from May to August. This species has not previously been documented within a five mile radius of the project site (CDFG 2011). However, a white-tailed kite was observed foraging on the east side of the property on several occasions. The open grassland and agricultural fields provide foraging habitat for this species. As noted above, it appears white-tailed kites use the eastern grasslands of the property for foraging purposes as they were observed frequently hovering over this area.

Southwestern Willow Flycatcher (*Empidonax traillii extimus*), Federally Endangered, State Endangered. Southwestern willow flycatcher requires dense riparian habitats with microclimatic conditions dictated by the local surroundings. Saturated soils, standing water, or nearby streams, pools, or cienegas are a component of nesting habitat that also influences the microclimate and density of the vegetation component. Habitat not suitable for nesting may be used for migration and foraging. This species eats primarily flying insects.

The flycatcher is a summer breeder within its range in the United States. It migrates to wintering areas in Central America by the end of September. Nest territories are set up for breeding, and there is some site fidelity to nest territories. Southwestern willow flycatchers arrive on breeding grounds in late April to early May. Nesting begins in late May and early June, with fledging from late June to mid-August. Human disturbances at nesting sites may result in nest abandonment (U.S. Fish and Wildlife Service 2011). This species has not been previously documented within a five-mile radius of the project site (CDFG 2011). The willow riparian corridor is suitable habitat for southwestern willow flycatcher. This species was not observed or heard during the field surveys.

Prairie Falcon (*Falco mexicanus*), State Species of Special Concern. Prairie falcons utilize a variety of habitats, including dry grasslands, woodlands, savannahs, cultivated fields, lake shores, and rangelands. These birds are aerial foragers, often feeding in canyons on rodents and smaller birds. Nesting sites are typically on south-facing, overhanging cliffs and rock outcrops, up to 500 feet high. This species has a nesting period that lasts between one and two months, typically between February and April, but sometimes extending into the summer. This species has not been previously documented within a five-mile radius of the project site (CDFG 2011). The agricultural fields and upland habitat occurring on and near the project site are considered potential foraging habitat for this species. No prairie falcons were observed during the surveys.

Least Bell's Vireo (*Vireo bellii pusillus*), Federally Endangered, State Endangered. Least Bell's vireos primarily occupy riparian habitats along open water or dry parts of intermittent streams, generally below 460 m in elevation (USFWS 1986; Small 1994, as cited in Dudek and Associates 2005, Kus

2002). They are generally associated with the following vegetation types: southern willow scrub, cottonwood forest, mule fat scrub, sycamore alluvial woodland, coast live oak riparian forest, arroyo willow riparian forest, wild blackberry scrub, and mesquite scrub in desert localities (Kus 2002). Kus (2002) indicates that the vireo typically forages in riparian and adjoining upland habitat. Critical habitat for the species has been designated in Santa Barbara, Ventura, Los Angeles, San Bernardino, Riverside, and San Diego counties (USFWS 1992). Critical habitat patches occur on the Santa Ynez, Santa Clara, Santa Margarita, San Luis Rey, Sweetwater, San Diego, and Tijuana rivers (USFWS 1992). This species has not been previously documented within a five-mile radius of the project site (CDFG 2011). The willow riparian corridor is suitable habitat for least Bell's vireo. This species was not observed or heard during field surveys.

Wetland and Riparian Habitat. Several small areas dominated by native grasses including creeping wild rye (*Leymus triticoides*) and salt grass (*Distichlis spicata*) were observed just east of Nipomo Creek. Salt grass is a facultative wetland species and usually occurs in wetlands, and creeping wild rye is commonly found in wetlands; although, it is equally likely to occur in non-wetlands. Observed non-native species include black mustard and Italian thistle occasionally within the community and abundant in the surrounding vegetation.

There are two creek corridors on site within the survey area that drain to Nipomo Creek, which runs from the northwest to the south through the site. Both drainage corridors show similar species composition and signs of active restoration including irrigation lines and recently planted shrubs, trees, and flowers. The dominant species within this community is arroyo willow (*Salix lasiolepis*). Other native shrubs and trees such as blue elderberry (*Sambucus nigra*) and coyote brush are co-dominants in the canopy and shrub layer. The herbaceous understory is composed of a mix of native and non-native species such as mugwort (*Artemisia douglasiana*), yellow monkeyflower (*Mimulus guttatus*), California wild rose *(Rosa californica*), and poison hemlock (*Conium maculatum*).

The vegetation of Nipomo Creek above and below the survey area is composed of a mixed tree layer dominated by coast live oak (*Quercus agrifolia*), California box elder (*Acer negundo var. californica*), and arroyo willow. The canopy is continuous with an intermittent shrub layer and sparse to absent herbaceous understory. Dominant understory species include poison oak (*Toxicodendron diversilobum*) and creeping snowberry (*Symphoricarpos mollis*). Within the creek, watercress (*Nasturtium officinale*), a native perennial herb, is abundant. Outside of the canopy and along the streambank, Harding grass, a non-native perennial grass is abundant.

Wildlife Corridors and Migration. Grasslands often provide important habitat for a variety of wildlife species. Raptors, such red-tailed hawk (*Buteo jamaicensis*), barn owl (*Tyto alba*), and American kestrel (*Falco sparverius*), commonly use open grassland areas extensively for foraging purposes, while species such as western meadowlark (*Sturnella neglecta*) and red-winged blackbirds (*Agelaius phoeniceus*) use open grasslands for nesting. In addition, a white-tailed kite (*Elanus leucurus*) has been observed foraging in the grasslands of the property. Reptiles which commonly breed within grassland habitats include western fence lizard (*Sceloporus occidentalis*), gopher snake (*Pituophis catinifer*), and western rattlesnake (*Crotalus viridis*). Grasslands can also provide habitat for a variety of small mammal species such as Botta's pocket gopher (*Thomomys bottae*), California mouse (*Peromyscus californicus*), and western harvest mouse (*Reithrodontomys megalotis*). Larger mammals such as bobcat (*Lynx rufus*), coyote (*Canis latrans*), and mule deer (*Odocoileus hemionus*) may occur. Bird species that are expected to occur in or frequent this habitat include California towhee (*Pipilo crissaliss*), spotted towhee (*Pipilo maculates*), white-crowned sparrow (*Zonotricha leucophrys*), wrentit (*Chamaea fasciata*), California thrasher (*Toxostoma redivivum*), and western scrub jay *(Aphelocoma californica).*

Riparian woodlands provide excellent habitat for a wide variety of species, often including reptiles and amphibians. These habitats are expected to provide suitable habitat for a diverse assemblage of semi-aquatic and terrestrial wildlife species. A variety of amphibian and reptile species, including Pacific chorus frog (*Pseudacris regilla*), bullfrog (*Rana catesbiana*), and common garter snake

(*Thamnophis sirtalis*), were observed or are to be expected to frequent or benefit from the riparian habitat onsite. Riparian plant communities are an important component of ecosystems found along stream channels. Trees help to shade the streams, keeping water temperatures low. They also provide important nesting and foraging habitat for songbirds, while the roots help hold the soil and provide in-stream cover for aquatic species. As noted above, one sensitive species that has been documented as occurring in the riparian area along Nipomo Creek is California red-legged frog.

Impact.

Land Use Ordinance Amendment. The proposed amendments do not include language that would specifically result in an adverse effect to biological resources. Any future development of the site may have adverse effects on special status species and habitats, depending on the location and type of development. Pursuant to the amendment, future development would require a Master Plan and issuance of a Conditional Use Permit (CUP), which would trigger CEQA and project specific analysis of impacts to biological resources.

Conditional Use Permit. The proposed project will indirectly impact the riparian woodland along Nipomo Creek, which roughly follows the boundary between the 30-acre and 100-acre areas. Development of the 30-acre area would affect portions of coastal scrub habitat and individual coast live oak trees. The development of proposed trails and the emergency access drive would directly impact Nipomo, Carillo, and Adobe Creeks, and portions of the surrounding grasslands and fallow agriculture fields. No potentially occurring sensitive plant species were observed within the project area during field surveys. Although considered unlikely, the proposed project has the potential to impact 14 sensitive wildlife species and migratory nesting birds, should they be present during construction. Direct impacts to these species could result from take (e.g., injury, death) via construction-related disturbances such as trampling or crushing from equipment or construction workers. Indirect impacts to the wildlife species could result from noise, harassment, or other disruption during construction activities or through modifications to the species' habitat. The project has been specifically designed to avoid and minimize impacts to the creek systems on the property, including free span bridges.

Short-term impacts are those associated with construction activities and a limited period of post-construction restoration. The proposed project will include grading, grubbing, vegetation clearing, and infrastructure improvements on the site, in preparation of building construction. Short-term impacts to wildlife may include take (e.g., injury, death) as a result of construction traffic (i.e., equipment, trucks, pedestrian) or harassment and disturbance resulting from elevated noise levels and habitat modification. Additionally, ground and tree nesting birds may be impacted during construction activities. Short-term impacts to plants and vegetation communities may occur as a result of trampling due to increased traffic, trimming for access purposes, or elimination of portions of some communities and individuals. Short-term impacts to Carillo Creek and Nipomo Creek will occur during the headcut repair of Carillo Creek and any dissipation needed to protect the western bank of Nipomo Creek.

The current condition of the site is such that human traffic (pedestrian and vehicular) is regular, with approximately 3,000 annual visitors. The proposed development will significantly alter the long-term use of the site to further encourage and invite regular visitor traffic at the site. In addition to a small complex of educational and administrative facilities, a system of nature trails will be established throughout the project site and open to the public. As such, it is expected that pedestrian traffic throughout the site will increase, possibly doubling to 6,000 annual visitors. This impact will likely result in long-term alterations to portions of the vegetation communities and may impede some wildlife presence on site.

The applicant proposes several design features and components of the project, which aim to preserve the cultural, historical, and environmental resources present on site to the extent feasible, including: on-site storm water management, use of recycled materials, native and drought-tolerant landscaping, and on-site wastewater treatment. Additionally, a significant component of the proposed project is the riparian restoration effort being implemented in conjunction with the County and Land Conservancy. It

is also anticipated that the actions proposed to fix the headcut on Carillo Creek will improve the adjacent habitat communities and reduce erosion and sedimentation into Nipomo Creek. Finally, the landscape-scale restoration that is planned by the applicant, the County, and Land Conservancy will have a significant benefit to native plants and wildlife.

Special Status Species. One sensitive species, white-tailed kite, was documented as occurring on or near the proposed project site. There is the potential for 13 additional sensitive wildlife species and/or nesting birds to occur during construction. The proposed project could result in direct impacts to California red-legged frogs, coast range newts, southern Pacific pond turtles, coast horned lizards, two-striped garter snakes, and silvery legless lizards if present during clearing and grading activities. Likewise, elevated noise levels, increased traffic and human activity, and construction-related disturbance (e.g., erosion and sedimentation into the riparian corridor) associated with implementation of the proposed project could result in indirect impacts to these species if they are present during construction.

The proposed project could result in direct impacts to American badger and pallid bat if present during construction activities. Likewise, elevated noise levels, increased traffic and human activity, and construction-related disturbance associated with implementation of the proposed project could result in indirect impacts to this species.

Native and Important Vegetation. The applicant proposes to remove one mature locust tree; all other trees, including sycamore, cypress, and coast live oak, would remain onsite. Eight coast live oak trees are located in close proximity to the proposed Chumash Village within the 30-acre portion of the project site. Actions potentially within the dripline of mature oak trees include ground disturbance and construction of a pedestrian path and low stone wall. The proposed landscape plan includes the planting of 23 five-gallon coast live oak trees onsite, which would mitigate any impacts resulting from potential disturbance of existing oak trees, and would exceed the standard 2:1 replacement ratio.

Implementation of the project would not adversely affect Land Conservancy and County restoration efforts. Existing agricultural roads, and the proposed emergency access drive and trails on the 100-acre portion of the site were designed in consultation with the County to ensure existing and future restoration and mitigation efforts would not be adversely affected.

Wetland and Riparian Habitat. The proposed project will result in disturbance to a small portion of Nipomo Creek, where the bridge will be constructed along the emergency access drive. This proposed activity will include vegetation trimming and may result in sedimentation and run-off into Nipomo Creek. The western bank of Nipomo Creek at this location may be impacted by installation of rip rap or other dissipation measures. This dissipation may be needed in order to avoid erosion to the western bank where Carillo Creek enters Nipomo Creek.

Wildlife Corridors and Migration. The proposed project has the potential to impact sensitive birds and migratory nesting birds if construction activities occur during the nesting season (approximately February 1 through August 15). Activities associated with the proposed project (e.g., ground disturbance and vegetation removal) could impact nesting birds if their nests are located within or near the work area. Likewise, increased human activity and traffic, elevated noise levels, and operation of machinery could also impact nesting birds if nests are located within the vicinity of the project area.

Construction-related disturbance to vegetation and wildlife on the project site will cause a shift in the overall structure of suitable habitat present. This otherwise temporary impact will be sustained by the significant alteration to the land use within the survey area. Thus, the short-term and long-term impacts associated with this project will cumulatively result in a significant change to the habitat structure, vegetation communities, and wildlife present on site. At this time, no other projects are known that would add to cumulative impacts as a result of this project.

Mitigation/Conclusion. Mitigation is recommended to avoid or minimize adverse effects to special-status species and sensitive habitats, including: implementation of pre-construction surveys for

aquatic species within 100 feet of Nipomo Creek, Adobe Creek, and Carillo Creek; implementation of pre-construction surveys for terrestrial species prior to construction; scheduling bridge construction over Nipomo Creek outside of the rainy season or ensuring implementation of an approved erosion and sedimentation control plan; restoration of affected riparian habitat following completion of the bridge over Nipomo Creek; and, scheduling construction outside of the nesting bird season or conducting pre-construction surveys for ground and tree nesting birds prior to ground disturbance and tree trimming or removal. The project does not include the removal of any coast live oak trees. Mitigation to ensure protection of onsite trees, identification of impacted trees (eight), and the replanting and maintenance of new coast live oak trees (23) would be implemented. The applicant is responsible for conducting necessary additional consultation with the U.S. Fish and Wildlife Service, and obtaining all required resource agency permits for work within areas under the jurisdiction of the California Department of Fish and Game, Regional Water Quality Control Board, and U.S. Army Corps of Engineers. Implementation of identified mitigation would minimize potential impacts to less than significant (refer to Exhibit B).

5. CULTURAL RESOURCES - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Disturb pre-historic resources?	☐	☒	☐	☐
b) Disturb historic resources?	☐	☒	☐	☐
c) Disturb paleontological resources?	☐	☒	☐	☐
d) Other: _____	☐	☐	☐	☐

Setting. The project site is located in an area of archaeological and historical significance. A Phase I Archaeological and Paleontological Survey (CRMS, 2011) was prepared for the project, including a records search and field survey. The survey verified the location of an archaeological site and historical resources within the project site, and summarized previous investigations and site records. An Extended Phase I survey, including limited test pits, was conducted to better define the boundary and integrity of the archaeological site (SWCA, 2012). Information from these surveys and technical reports is incorporated by reference into the discussion and analysis below.

Pre-historic Resources. The project site is located in an area historically occupied by the Obispeño Chumash. Numerous surveys have been conducted within and in the vicinity of the Dana Adobe, and three significant archaeological sites were documented within the project site (CA-SLO-97, CA-SLO-142, and CA-SLO-141). The 30-acres proposed for Master Plan development was surveyed in July and September 2011 by CRMS. This survey revealed that there are significant and extensive prehistoric sites surrounding the Dana Adobe. Surface findings included projectile point fragments, cores, bifaces, hammerstones, marine shell of at least five distinct species, burned mammal bone some burned rock and numerous pieces of debitage and flakes. Historic and recent development on the site may have obscured or altered the distribution of prehistoric and historic resources, including a driveway, special events, and livestock grazing. The highest density of artifacts was documented around the Dana Adobe, and extended to the north and offsite. Lighter artifact concentrations were documented along the outer periphery of the Dana Adobe, and extending closer to Nipomo Creek and South Oakglen Avenue; resources observed in these lighter areas consisted of flakes. A gap in surface resources was observed at the time of the survey, and further subsurface investigation was recommended to determine if buried resources are present, indicating a continuous archaeological site.

Based on the surface investigation, the previously mapped boundaries of CA-SLO-97 and CA-SLO-142 were not consistent with observed surface evidence. The surface survey revealed a significant archaeological site surrounding the Dana Adobe and extending up to and beyond the northern property boundary. Based on surface evidence, the mapped boundaries of CA-SLO-97 and CA-SLO-141 (historic) appear to be incorrect, and CA-SLO-97 appears to wholly enclose CA-SLO-141. In addition, the evidence does not show a clear temporal break between CA-SLO-97 and CA-SLO-142. The mapped boundaries of the sites are updated in the Phase I report, which was submitted to the Central Coast Information Center (historic resource clearinghouse and research center).

Fred Collins, Northern Chumash Tribal Council, was present on the first day of the CRMS survey. Mr. Collins expressed concerns about the manner in which this survey was conducted. His concerns were noted and the reasons for the chosen strategy for conducting the surface survey were discussed at length, and are documented in the Phase I report (CRMS, 2011), which was provided to Mr. Collins. DANA and the County continued to consult with the Northern Chumash throughout and following the Phase I and Extended Phase I efforts.

Following the Phase I surface survey, an Extended Phase I was conducted in February 2012, including 15 excavated standard shovel test pits (STPs) (SWCA, 2012). The intent of the Extended Phase I was to further characterize the resources and determine if complete avoidance of archaeological resources would be feasible. To this end, the Extended Phase I was focused on the areas identified in the Phase I report that showed discontinuous, sparse cultural materials, and the area between this location and the apparent main body of the archaeological site.

Based on the results of the Extended Phase I, all STPs were positive for the presence of prehistoric archaeological materials consisting primarily of flaked stone. The majority of artifacts were documented in the upper 2 feet of soil. In addition, the survey documented the presence of eight formal stone tools and/or tool fragments and approximately 200 additional flakes on the surface of the study area, within an area where resources were not previously documented due to ground conditions at the time of the original survey (i.e., vegetation cover), and the optimal surface visibility from recent rains during the February 2012 survey.

Although artifact densities were not extremely dense on the surface or the subsurface and densities varied somewhat in each of the STPs, the results of the Extended Phase I identified the presence of a relatively consistent archaeological deposit throughout the entire focused study area. Noted disturbance included localized surface disturbance and standard localized soil movement due to human, rodent, and livestock activity; however, no trash or modern materials were noted in the STPs, indicating a relatively intact archaeological resource (SWCA, 2012).

Historic Resources. The Dana Adobe is located on a 0.25-acre parcel (APN 090-171-011), and within the Historic (H) combining designation. The Dana Adobe (P-40-040847) is the most salient historic resource within the project area (CRMS, 2011). It is on the National Register of Historic Places as well as the California Register of Historic Resources. It was also recorded as part of the Historic American Building Survey, number 265-6907 (1936).

One of the earliest grants in the San Luis Obispo region was made to William G. Dana. In 1837, he was awarded the Nipomo Rancho, a grant of 37,887.91 acres. The existing 13-room home, now known as the Dana Adobe, was initially constructed around 1842. For many years the Rancho was the economic center of a one hundred mile stretch of the El Camino Real. Herds of cattle and sheep roamed the rancho, supplying meat, hides, tallow, and wool. Other products supplied to the missions and neighboring ranchos included furniture, agricultural implements, fabrics and soap. The Dana home was the most important stopover for many travelers between San Luis Obispo and Santa Barbara, including relay riders carrying the mail, and later, as a stagecoach stop.

Originally the main residence was a three room adobe structure with a flat roof. The Dana Adobe was significantly expanded in the late 1840s with a second story and the addition of two westward projecting wings on the north and south. A cupola for viewing the surrounding countryside was also

added, and other outbuildings were constructed. Ground penetrating radar has indicated that there may be subsurface remains of foundations of outbuildings to the west of the residence. The tallow processing area is still clearly visible on the surface. The processing of hides and tallow was a vital component of life on the ranch particularly during the early years. The slaughtering of the cattle was performed at a matanza, a lightly framed and covered structure northeast and below the residence.

The processing of cattle for hides and tallow was heavily dependent upon the Chumash workers on the Rancho. Other activities that the Chumash performed at the Rancho included the formation of adobe bricks, construction of the adobe buildings, gathering firewood, collecting refined salt from the head waters of the Salinas River, serving as vaqueros, weaving, leather and metal work, and providing escorts for the younger members of the Dana family.

The Chumash employees did not build their dwellings in the immediate vicinity of the main residence but rather "around the outskirts of the rancho"; they are also described as living "in a rancheria about four miles north of the adobe". The adobe barn and associated corrals were used by the stagecoach line after 1857 and provided a place where six horse teams were kept in readiness to be swapped out with exhausted ones. The old stagecoach road passed in front of the east facade of the house and west of the tallow processing area.

On April 8, 1882 the Rancho was divided among the surviving heirs. Fred Dana took possession of the main house and surrounding parcel. It was during this period that a windmill was put in on the floodplain below the house and a well in the west patio area was abandoned. In 1900 the house passed to a family by the name of Fry about whom little is known. In 1906 the house again changed hands. The Hourihans took possession and are believed to have lived there until 1915 after which time the ownership and history of the house is unclear. A 1954 aerial photograph shows the residence, tallow vat, water tower, and an out building that has since been removed.

In the 1960s and 1970s the Dana Adobe was the focus of a renewed interest in restoring and preserving the historic structure. These activities involved some studies and assessments as well as active interventions and construction. DANA obtained ownership of the Dana Adobe in 1999, and is conducting restoration of the Adobe under a California Cultural and Historical Endowment Grant, pursuant to the Secretary of Interior standards.

Modern developments at the Dana Adobe include an excavated septic system and leach field, drains and utility trenches, and relocation of a metal windmill onsite. There have been a number of excavations and earthmoving activities in and around the Dana Adobe as part of its operation and modernization over the years. Scattered around the Dana Adobe are a large number of badly fragmented historic artifacts, primarily ceramic or glass.

There are a number of outbuildings and structures associated with the historic activities of the Rancho, including the tallow vat (1840-1860s). A row of stones visible on the surface runs north to south between the tallow vat and the east facade of the Dana Adobe, which may have served as a foundation for a raised adobe wall. The wall is now covered with dark sandy soil but possesses a three step stairway through the middle. These steps are aligned on the front entrance and rear entrance of the Dana Adobe. Another structure associated with the ranch is a metal tower and windmill, likely built between 1888 and 1900. This windmill may have served a water tank visible in a 1954 photo. The water tank was removed some time ago and the cement foundation was taken out in 2006. Approximately 150 feet south of the south facade of the Dana Adobe is what appears to be the foundation stones of an "adobe barn". It appears that some of the foundation stones have been pulled up and piled in a circle inside the outline of the barn.

The Pacific Coast Railroad Right of Way (P-42-040711) marks the eastern edge of the project area. This resource is still visible as a cut bank or an elevated earthen berm in various locations. It has been cut through in at least two locations by erosion from substantial drainages that feed into Nipomo Creek.

Two previously-documented sites (CA-SLO-2030H and CA-SLO-2031H) are located in the vicinity of the project area. These resources include a diffuse scatter of historic artifacts, which were not relocated, and may have been destroyed by flooding. CA-SLO-2031H includes a low knoll where the first Dana house was built; this site is outside the project area.

Paleontological Resources. The Dana Adobe and the associated prehistoric site are located along the eastern edge of the Nipomo Mesa, a land form of highly stabilized dunes overlying an elevated Pleistocene terrace. The Pleistocene stabilized dunes composing the Nipomo Mesa are overlain by relatively recent aeolian (windblown) sands. Neighboring bedrock is composed of shale, chert and other melange components, typical of the Monterey and Franciscan formations. A paleontological surface survey was conducted in tandem with the archaeological survey, and no paleontological resources were noted.

Impact. CEQA requires a lead agency to determine whether a project may have a significant effect on historical resources. Sections 21083.2 and 21084.1 of the Statutes of CEQA, PRC Section 5024.1, and Section 15064.5 of the CEQA Guidelines are used as guidelines to determine if 1) a resource is historically significant, and 2) if the project would result in an adverse effect to the historic resource. PRC Section 5024.1 requires that any properties that can be expected to be directly or indirectly affected by a proposed project be evaluated for California Register of Historical Resources (CRHR) eligibility. The purpose of the CRHR is to maintain listings of the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from material impairment and substantial adverse change. The term "historical resources" includes a resource listed in, or determined to be eligible for listing in, the CRHR; a resource included in a local register of historical resources; and any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant (Section 15064.5[a] of the Guidelines). The criteria for listing properties in the CRHR were expressly developed in accordance with previously established criteria developed for listing in the National Register of Historic Places.

According to PRC Section 5024.1(c)(1–4), a resource may be considered historically significant if it retains integrity and meets at least one of the following criteria. A property may be listed in the CRHR if the resource:

1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2) Is associated with the lives of persons important in our past;
3) Embodies the distinctive characteristics of a type, period, region or method of installation, or represents the work of an important creative individual, or possesses high artistic values; or
4) Has yielded, or may be likely to yield, information important in prehistory or history.

Under CEQA, if an archeological site is not a historical resource but meets the definition of a "unique archeological resource" as defined in PRC Section 21083.2, then it should be treated in accordance with the provisions of that section. A *unique archaeological resource* is defined as follows:

> An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:
>
> 1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
> 2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Resources that neither meet any of these criteria for listing on the CRHR nor qualify as a "unique archaeological resource" under CEQA PRC Section 21083.2 are viewed as not significant. Under CEQA, "A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects" (PRC Section 21083.2[h]).

Impacts that adversely alter the significance of a resource listed on or eligible for listing on the CRHR are considered a significant effect on the environment. Impacts to historical resources from the proposed project are thus considered significant if the project physically destroys or damages all or part of a resource, changes the character of the use of the resource or physical feature within the setting of the resource which contribute to its significance or introduces visual, atmospheric, or audible elements that diminish the integrity of significant features of the resource.

Applying criteria identified above, the documented resources onsite are considered historically significant, including the archaeological sites and the Dana Adobe (which is currently listed on the National and State Registers). Potential impacts to these resources are discussed below.

Land Use Ordinance Amendment. The proposed amendment includes language addressing the Dana Adobe Historic designation (Section 22.122.030.B.). The language clarifies development standards specific to the historic site itself, and encourages consistency with historical context, including interpretive and educational components. Implementation of the proposed amendment would not have an adverse effect on cultural resources, because it includes standards to maintain historical context and provides for the continued maintenance of the Dana Adobe in the event DANA is no longer able to continue ownership of the parcel.. Project-specific impacts to cultural resources are discussed below.

Conditional Use Permit. The project site possesses an extensive and varied collection of cultural resources. Although there have been some historical disturbances to and degradation of some of these resources, a large number of significant resources remain. These resources are significant under the criteria employed by the California Environmental Quality Act (CEQA).

Pre-historic Resources. Based on the results of the Phase I surface survey and Extended Phase I subsurface investigation, implementation of the project would directly impact known, significant, archaeological resources. Potential impacts include soil movement and compaction, excavation and subsurface ground disturbance, and displacement of significant resources.

Implementation of the project would directly affect portions of CA-SLO-97/CA-SLO-142, including: structural development, trails, and parking areas over approximately 3.90 acres, approximately 0.03 acre of cut associated with a portion of the emergency access drive, stormwater basins and amphitheater, and 927 linear feet of utility trenching. If standard construction methods are applied, implementation of the project would physically destroy or damage a portion of the documented resource, resulting in a potentially significant impact, and mitigation is required. In addition, the creation of a Chumash village, and associated food processing or flintknapping in close proximity to an existing prehistoric site may result in contamination of the documented significant site.

Based on the distribution of archaeological resources, complete avoidance of all deposits is not feasible. Minor disturbance or minor improvements (e.g., trails, parking areas etc.) would occur in the areas containing the densest concentration of cultural resources. The development requiring more disturbance (i.e., visitors center, caretakers unit) were directed to portions of the site that did not exhibit cultural resources or those areas that contain the lesser density of resources, as a way to avoid impacts. Additional mitigation is identified below.

Historic Resources. The County LUO includes the following required findings for approval for land use permit applications within a Historic (H) combining designation related to a historic structure:

(1) The height, bulk, location, structural materials, landscaping and other aspects of the proposed use will not obstruct public views of the historic structure or of its immediate setting;

(2) Any proposed alteration or removal of structural elements, or clearing of landscaping or natural vegetation features will not damage or destroy the character of significant historical features and settings;

(3) Any proposed remodeling or demolition is unavoidable because it is not structurally or economically feasible to restore or retain existing structures or features.

Implementation of the project will include continued restoration of the Dana Adobe and associated historical features, consistent with Secretary of Interior Standards. Interpretive and educational amenities will further educate the public about this significant historic resource, and encourage future restoration and preservation. Use of the Old Stagecoach Road will represent an impact and a thorough documentation and attempt to establish its alignment and construction is recommended. Continued preservation and restoration of historic structures and features (i.e., tallow vat, barn foundation) is included in the Master Plan.

Based on the proposed continuation of preservation and restoration of the Dana Adobe, preservation and incorporation of elements consistent with the historical context of the structure and surrounding views, educational facilities to encourage historic preservation, and separation of uses (i.e. Dana Adobe and Visitor's Center), implementation of the project would not impair the integrity of the Dana Adobe or result in a significant adverse effect to the historic resource.

In addition, the proposed project appears to meet the finding requirements identified above.

Paleontological Resources. No paleontological resources were noted onsite; however, significant resources may be encountered at a depth of six feet within the Diablo clay, Diablo and Cibo clays, Marimel silty clay loam, Tierra loam, or Zaca clay soil units. Based on implementation of monitoring during deep ground disturbance (if proposed within these identified soil units), potential impacts would be less than significant.

Mitigation/Conclusion. A comprehensive mitigation strategy is recommended to address potentially significant impacts to cultural resources. Mitigation and design strategies developed by the applicant's cultural resource consultants (CRMS and SWCA), DANA board, and the County, and discussed with the Northern Chumash, include a combination of soil capping, limited Phase III Data Recovery including samples within excavated areas (i.e. utility trenches) and intensive surface documentation within areas to be capped, archaeological monitoring, and protection of areas of the 30-acre site under an open space or conservation easement. Proposed cap and fill would apply to approximately 3.90 acres within CA-SLO-97/CA-SLO-142, and over approximately 0.57 acre within 50 feet of the archaeological site boundary. Based on the nature of the documented resource, which does not include human remains or habitation features (i.e., fire rings), capping the resource (and any subsequent soil compaction) would not have an adverse effect on the underlying deposits.

In some locations, capping is not feasible, such as areas proposed for minor utility installation, septic systems, a portion of the emergency access drive, a portion of the Chumash village trail and associated retaining wall, and portion of the parking area. In these locations, Phase III data recovery is recommended to minimize further subsurface ground disturbance, conduct recovery in areas under development, and provide valuable scientific evidence to further support understanding of Chumash pre-history. Limited Phase III Data Recovery would occur within areas including 0.03 acre of cut and 927 linear feet within the archaeological site, and 0.57 acre of cut and 326 linear feet of trenching within a 50-foot buffer. Archaeological monitoring would be required for all ground disturbances.

DANA and the Northern Chumash are discussing establishment of an easement onsite to protect in perpetuity a portion of the archaeological site for current and future generations. The location of the easement is recommended to occur within an area of denser artifacts, to preserve a meaningful component of the documented archaeological site. Based on the development of a comprehensive mitigation strategy, potential impacts to archaeological resources would be mitigated to a less than significant level.
Regarding paleontological resources, any initial excavation at a depth greater than six feet below the surface within potentially sensitive areas shall be monitored by a qualified paleontologist, and a monitoring report shall be provided to the County for review and approval.

Based on implementation of recommended mitigation (refer to Exhibit B), potential impacts to cultural and paleontological resources would be less than significant, and the project would not result in an adverse effect to a significant historic or archaeological resource.

6. GEOLOGY AND SOILS - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☐	☒	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?	☐	☐	☒	☐
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☐	☒	☐	☐
d) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☒	☐	☐
e) Include structures located on expansive soils?	☐	☐	☒	☐
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☐	☐	☒	☐
g) Involve activities within the 100-year flood zone?	☐	☒	☐	☐
h) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	☐	☐	☒	☐

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) Preclude the future extraction of valuable mineral resources?	☐	☐	☒	☐
j) Other: _____	☐	☐	☐	☐

Setting

GEOLOGY - The following relates to the project's geologic aspects or conditions:

Topography: Gently sloping to moderately sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Low

Nearby potentially active faults?: No Distance? 20 miles

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Low

Other notable geologic features? None

An *Engineering Geology Investigation* (Geosolutions; 2011) and *Soils Engineering Report* (Geosolutions; 2011) were conducted for the project site. The results of the investigation are incorporated into the discussion and analysis in this section of the Initial Study.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? Nipomo Creek Distance? Onsite

Soil drainage characteristics: Well drained

Surface drainage flows east towards Nipomo Creek. Groundwater was encountered at a depth of 30 feet below ground surface (bgs). No springs or seeps were observed. For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Low to moderate

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Interim Low Impact Development (LID) Guidelines is a pilot project sponsored by municipalities in San Luis Obispo County and the Central Coast Regional Water Quality Control Board. This is a joint effort to help reduce on-site stormwater runoff. Any project that creates more than 5,000 square feet of increased impervious surface is required to utilize at least two LID measures to help reduce stormwater runoff.

MINERALS – The project site does not support valuable minerals.

Impact.

Land Use Ordinance Amendment. The proposed amendments do not include language that would result in an adverse effect to geology and soils. Potential impacts would be project specific, depending on location, size, and type of development, and areas proposed for disturbance. Pursuant to the amendment, future development would require a Master Plan and issuance of a Conditional Use Permit (CUP), which would trigger CEQA and project specific analysis of geology and soils impacts.

Conditional Use Permit.

Geologic Hazards. There is a potential for slope instability in the immediate vicinity of Nipomo Creek (where the slope of the creek bank exceeds 15 percent); therefore, the project incorporates a 50-foot setback from the creek bank (not including trails, emergency access drive, and associated creek crossing). No significant geologic hazards were identified. Recommendations provided in the geology and soils engineering reports include, but are not limited to, site preparation, foundations, and slope stability. Compliance with the LUO and Uniform Building Code will ensure that no significant geologic impacts occur as a result of construction and operation of the project.

Soil Erosion. As proposed, the project will result in the disturbance of approximately 8.3 acres. Construction activities, including ground disturbance and vegetation removal have the potential to result in erosion and down-gradient sedimentation. The applicant is required to comply with the LUO and submit an erosion control plan, and will also be required to prepare a SWPPP for review and approval by the RWQCB. Preparation and implementation of these required plans would mitigate potential impacts to less than significant. Additional measures, applicable to significant biological resources (Nipomo Creek) are identified in Section 4 (Biological Resources), and would further minimize potential erosion impacts.

Drainage. Implementation of the project would create additional impervious surfaces, totaling approximately 39,300 square feet (including a 21,750-square foot paved main parking lot), which has the potential to reduce the soils ability to absorb rainfall. Increased impervious areas have the potential to result in downstream flooding, higher peak flows, and carry polluted runoff. The total area of impervious surfaces exceeds 5,000 square feet; therefore, at least two LID measures are required. The proposed project has already incorporated several LID measures to retain and reduce runoff, all which meet the agencies' guidelines. For example, the project has proposed: rain gardens for stormwater capture, maximization of pervious surfaces (i.e., decomposed gravel in lieu of paved parking areas and ADA trails), and additional oak tree plantings and native landscaping throughout the site.

In addition, the County LUO requires management of stormwater flow to ensure rates to not exceed existing conditions. Incorporation of low impact development (LID) strategies, consistent with LUO Section 22.10.155 (Stormwater Management) would avoid or minimize the project's contribution to water quality and drainage issues affecting surface water bodies in Nipomo and the South County area. LUO regulations applicable to the 21,750-square foot main, paved, parking area would include: reduction of impervious land coverage to the maximum extent practicable, oil and hydrocarbon infiltration and treatment of runoff, and development and implementation of a maintenance program for the life of the project.

Flooding. The 100-year flood elevation of Nipomo Creek varies from 250 to 263 feet. Uses within the flood hazard zone would include the secondary access road bridge crossing over Nipomo Creek, and an approximately 800-foot portion of the interpretive path loop. All other uses and structures would be outside of the flood zone. Floodwaters would be able to freely flow over the path.

The proposed bridge is a railroad flatcar, 89 feet long with a 66-foot creek span. A typical railroad flatcar is 2.5 feet thick. Abutments would be installed with vertical faces on the channel sire, and a 4 by 6-foot (nominal) corrugated metal pipe arch is proposed in the road ramp leading up to the westerly side of the bridge. This culvert will pass some of the water in the westerly overbank to help lower the water surface on the upstream side of the bridge. Based on the *Preliminary Bridge Analysis Nipomo Creek Crossing at the Dana Adobe* (kvc, 2011), the deck of the bridge would be constructed at elevation 264, and the "lowest" portion of the bridge would be at elevation 261.5 feet, which would allow for a one-foot clearance between the water surface through the bridge and the low chord of the bridge during a 100-year flood. There would be a 3.5-foot clearance between the deck of the bridge and the 100-year flood elevation (kvc, 2011).

Based on the flood analysis and associated modeling, there would be no change in surface water elevation downstream of the proposed bridge. About 260 feet upstream of the bridge there would be an increase in the water surface of 0.35 feet (within the project site). This increase would be ""damped out" before reaching the upstream property line and will not impact other properties. The report recommends a final analysis of the bridge design, based on construction-level detail, to ensure the bridge is designed to avoid potential flooding impacts, consistent with the LUO and Building Code.

Mitigation/Conclusion. As noted above, the applicant will be required to comply with existing regulations related to geologic and flooding hazards, site and bridge design, erosion and sedimentation control, and water quality standards. In addition, the project includes the use of pervious surfaces within overflow parking areas and trails, and development of a rain garden near the visitor's center. These measures will help to mimic the pre-development hydrology of the site and minimize downstream flooding impacts and peak flows. Roof runoff should be directed to landscape areas (rain gardens) and / or vegetated drainage swales and should not be allowed to cross surfaces that have the potential to contain pollutants such as parking areas.

Additional standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality along with the measures listed in Exhibit B.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	☐	☒	☐	☐
b) Interfere with an emergency response or evacuation plan?	☐	☐	☒	☐
c) Expose people to safety risk associated with airport flight pattern?	☐	☐	☒	☐
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	☐	☐	☒	☐

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) Create any other health hazard or potential hazard?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. There is a remediation project within the project site, at Nipomo Creek, approximately 300 feet east of the Dana Adobe (Line 300, RM&R Site No. 3788, SL0607907605). A leaking oil pipeline was discovered, reported, and stopped in 2003. On behalf of ConocoPhillips, Terra Pacific submitted a Feasibility Study in January 2010 and a Corrective Action Plan in June 2010. RWQCB staff approved the Corrective Action Plan on July 30, 2010. ConocoPhillips partially excavated the bank adjacent to Nipomo Creek to remediate soil contaminated by benzene and crude oil. Restoration of the creek bank is underway.

The project is not within a high severity risk area for fire. The project is not within the Airport Review area. The project site is not located where development would adversely affect an emergency response or evacuation plan.

Impact.

Land Use Ordinance Amendment. The proposed amendments do not include language that would result in an adverse effect related to hazards and hazardous materials. The amendment includes a clarification regarding the Southland Interchange project, which is no longer proposed by the County and Caltrans. Development is required to demonstrate adequate emergency access, as determined by CAL FIRE

Conditional Use Permit.

Emergency Response/Evacuation. The project is not expected to conflict with any regional evacuation plan. The project includes primary access from South Oakglen Avenue, and a 0.6 mile emergency access drive between South Oakglen Avenue to Swallow Court and on to South Thompson Avenue. The emergency access drive would cross over Nipomo Creek via a flatcar bridge. The emergency access drive would provide a secondary exit route for visitors and staff, and a secondary route for access by emergency responders, including County Sheriff and CAL FIRE. The project site is not located within two miles of a private or public airport and would not interfere with air traffic.

Exposure to Hazardous Substances. The project does not propose the use of hazardous materials, aside from legal storage of standard materials including but not limited to paints, cleaners, oils, and fuels for construction and operation of the project and maintenance of the Dana Adobe. There is no potential for further hazardous materials contamination related to the ConocoPhillips remediation site, as implementation of the approved remediation measures eliminates the potential exposure to hazardous materials. Potential impacts related to hazardous materials would be less than significant.

Fire Hazard. The proposed project was referred to CAL FIRE for review. The project site is located within a 5-minute response time from the nearest County Fire Station. The applicant is required to comply with existing regulations, including the 2010 California Fire Code and 2010 California Building Code. Fire safety regulations address roofing and roof access, fire flow (water) infrastructure, installation of fire hydrants, fire protection systems (sprinklers, alarms), fire extinguishers, and structure exits. In addition, the project must comply with access requirements (primary and secondary), provide adequate fire lanes, and maintain 100 feet of defensible space around all structures. Additional requirements specific to the project include signage on the hiking trails to aid emergency response, and preparation of a Wildland Fire/Vegetation Management Plan and

Emergency Plan for review and approval by CAL FIRE, and submittal of the special event calendar and associated descriptions and public health and safety measures.

As noted above, the project includes an emergency access drive, which would be used for secondary egress from the site, and ingress by emergency responders. CAL FIRE reviewed the project, including the access plan, determined that the emergency access drive would be adequate, and noted that the proposed railcar bridge over Nipomo Creek is allowed, provided it can support a 20-ton fire engine (CAL FIRE, 2011). Standard requirements, including provision of an all-weather surface and roadside vegetation management, would be required for the life of the project.

Mitigation/Conclusion. Please refer to Section 6 Geology and Soils for information about the required SWPPP, and Sections 4 Biological Resources and 14 Water regarding protection of water quality. Mitigation provided in those sections will minimize the potential for accidental release of fuels, oils, and other materials during construction. Based on compliance with existing regulations, and verification by review and inspection by CAL FIRE, no significant impacts as a result of fire hazards or hazardous materials are anticipated, and no additional mitigation measures are necessary.

8. NOISE - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☒	☐	☐
b) Generate increases in the ambient noise levels for adjoining areas?	☐	☒	☐	☐
c) Expose people to severe noise or vibration?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. The project site is located approximately 0.15 mile east of U.S. Highway 101, the primary source of noise in the area. Based on review of the Noise Element, the project site is located within the 60 to 65 L_{dn} noise contour. Surrounding uses include agricultural and residential land uses.

The Dana Adobe is currently open to the public, and has hosted non-profit events including educational series, school bus tours, concerts, open house and member events, art shows, cultural celebrations, and scheduled and unscheduled tours. Approximately 3,000 visitors are hosted each year.

Impact.

Land Use Ordinance Amendment. The proposed amendments do not include language that would result in an adverse effect related to noise. Any future development may be affected by transportation-related noise, and may generate noise, potentially affecting nearby noise sensitive land uses. Pursuant to the amendment, future development would require a Master Plan and issuance of a Conditional Use Permit (CUP), which would trigger CEQA and project specific analysis of noise impacts.

Conditional Use Permit.

Noise Exposure. Due to the presence of a major noise source in the area (U.S. Highway 101), and sensitive noise receptors in the immediate area (i.e., residential uses), the applicant provided a *Noise Study* (David Dubbink Associates, 2012). The results of the noise study are incorporated by

reference in the discussion below.

There are two issues of noise exposure: 1) transportation noise generated by U.S. Highway 101 affecting the proposed project; and 2) activities including amplified sound, generation of traffic and use of busses, and other uses that would generate noise, potentially affecting sensitive receptors (i.e., residential uses) in the immediate area.

Transportation Noise. The acceptable threshold of exposure to transportation noise source is 60 L_{dn} for residential uses and schools (including museums) and 70 L_{dn} for outdoor sports and recreation (County Noise Element, 1992). In addition to County standards, the State guidelines identify a threshold of 50 decibels for outdoor exposure to transportation-related noise. For the purposes of this analysis, the County standards are applied as the threshold of significance, and the State standards are considered advisory.

The County Noise Element and Ordinance identify thresholds of exposure to stationary noise as measured at the property boundary of the receiving noise sensitive use. The hourly noise level threshold is 50 L_{eq} between the hours of 7:00 a.m. and 10:00 p.m. (daytime hours) and 45 L_{eq} between the hours of 10:00 p.m. and 7:00 a.m. (nighttime hours). Noise associated with construction is exempted by the County Noise Ordinance between the hours of 7:00 a.m. and 9:00 p.m. (weekdays) and 8:00 a.m. to 5:00 p.m. (weekends). The nearest sensitive receptors (residences) are located approximately 450 feet south and 2,200 feet to the northeast of the proposed visitor center area.

Noise measurements were taken in four locations at the project site, and distances ranging from 592 to 1,233 feet from U.S. Highway 101. The average noise level ranged from 46 to 55 LA_{eq}. Noise measurements showed that the area proposed for the Chumash village, and adjacent properties to the south of the project site are subjected to highway noise exceeding 45 dB. Based on the noise study, the project site would not be exposed to transportation-related noise from U.S. Highway 101 exceeding allowable County thresholds. The noise level would exceed advised State thresholds in the southern portion of the site. Incorporation of a vegetated berm would attenuate noise exposure by approximately 4 dB within State-advised standards; however, mitigation is not required because the project would not be exposed to noise levels exceeding the identified threshold of significance (County standards). Based on the traffic study prepared for the project (Rick Engineering, 2012), the project would not generate traffic resulting in a substantial increase above existing conditions.

Stationary and Amplified Sound. The noise study includes use of amplified equipment to simulate sound as it may be produced during a special event at the project site. The sound was directed at the closest property line and noise levels were measured along the property boundary. Sound attenuation was approximately six decibels with each doubling of distance: 83 dBA at 50 feet from the source; 75 dBA at 100 feet; and, 60 dBA at 200 feet.

Sources of noise generated by the project would include: amplified commentary during operation of the arena; amplified sound during events and use of the amphitheater at the visitor's center; demonstrations and other uses at the Chumash village; and other special events and concerts at the project site.

Typical sound from outdoor events (as measured 50 feet from the source) would include 1) amplified music (outdoors), 74-80 L_{max} / 73-76 L_{eq} and 2) amplified live band (inside tent), 76 L_{max} / 64-67 L_{eq}. The associated sound levels resulting from amplified music (outdoors), as measured at the property line, are shown in Table 4 below. As shown in the table, noise levels would exceed identified thresholds, and mitigation will be required.

Amplified sound generated by uses on the visitor's center terrace would be blocked by the structure itself, and noise would attenuate to a level of 56 dB, which is below the County's 65 dB L_{max} threshold. In the event amplified sound is used within the Chumash village, the anticipated sound level would be 63 dB L_{max}, as measured from the southern property line. This is below the County threshold of 65 dB.

Table 4. Sound Levels at Property Line (Unmitigated)

Use	Distance to nearest property line	Forecast		Permitted	
		Lmax	Leq	Lmax	Leq
Arena	154	64-70	63-66	65	45
Adobe	305	58-64	57-60	65	45
Visitor Center	210	62-68	61-64	65	45
Chumash Village	230	61-67	60-63	65	45

Source: Dubbink, 2012

Ambient Noise Level. The ambient noise level along South Oakglen Avenue (west of the project site) is estimated to be 57 dB during the peak traffic hour. Future traffic levels on the highway and South Oakglen Avenue may add at least 3 dB to the ambient noise level. During special events at the amphitheater, the noise level will range from 61 to 64 L_{eq} at the neighboring residential property line to the west, resulting in a combined sound level ranging from 63.5 to 65.5 L_{eq}. Based on the LUO, where the existing ambient sound is above the permitted level (60 L_{eq}), a significant impact would occur if the added sound increases this level by more than one decibel. Therefore, the use of amplified sound at the visitor's center would exceed the County's noise threshold (one decibel increase) by 2.5 to 4.5 decibels (Dubbink, 2012). The County Noise Element notes that sound level changes less than 3 decibels are minimally detectable; however, mitigation is recommended to reduce sound generated by the project and minimize significant impacts to sensitive receptors.

Exposure to Severe Noise/Vibration. Construction of the project would include use of large construction equipment. Construction would occur pursuant to the LUO, and would not generate severe noise levels or vibration.

Mitigation/Conclusion. Based on implementation of mitigation measures identified in Exhibit B, potential noise impacts would be less than significant. Recommended mitigation measures include strategic dispersal and placement of speakers at the arena and visitor's center to direct sound away from noise sensitive uses (10-15 decibel reduction); limitations on maximum noise level at the source (80 decibel) and duration of special events and concerts (10:00 p.m. at the latest); onsite noise monitoring during events; and, remediation protocol to address neighborhood noise complaints.

9. POPULATION/HOUSING - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐

9. POPULATION/HOUSING - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Use substantial amount of fuel or energy?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Impact.

Land Use Ordinance Amendment. The proposed amendments do not include language that would result in an adverse effect related to population and housing, and would result in the need for additional housing, or displace existing housing..

Conditional Use Permit. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. No mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	☐	☒	☐	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☒	☐	☐
c) Schools?	☐	☐	☒	☐
d) Roads?	☐	☒	☐	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☐

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff Location: Oceano (Approximately 13 miles to the northwest)

Fire: Cal Fire (formerly CDF) Hazard Severity: Moderate Response Time: 5-10 minutes

Location: Approximately 1.3 miles to the northwest

School District: Lucia Mar Unified School District.

Impact.

Land Use Ordinance Amendment. The proposed amendments do not include language that would result in an adverse effect related to public services and utilities, because the amendments would not increase the potential development density of the site.

Conditional Use Permit. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, schools, and roads. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	☒	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	☒	☐
c) Other _____	☐	☐	☐	☐

Setting. The County's Parks and Recreation Element includes the Nipomo Creek Linear Park as a proposed County Park in the South County Nipomo area. The Element states the following: "Obtain acreage for a linear park in the vicinity of Nipomo Creek. The linear park should contain a Class I Bicycle Path/trail system as well as other recreational facilities. Once property has been obtained, prepare a master plan for the park to determine appropriate park facilities and future maintenance needs. Update the master plan periodically to reflect community recreation needs". The Element Map shows the proposed Nipomo Creek Linear Park extending from the U.S. Highway 101/Thompson Avenue interchange, through the project site, on the western side of Nipomo Creek, and reconnecting with Thompson Avenue to the south. While the linear park is included in the County's General Plan, the County is not currently pursuing or planning for its development. While the proposed project does not include a Class I bicycle path, a trail system is proposed that could be incorporated into a master plan for the linear park, in the event the County elects to pursue it.

Impact.

Land Use Ordinance Amendment. The proposed amendments would clarify language applicable to the Recreation land use category, specific to the project site (LUO Section 22.112.080.G). The proposed changes clarify the Master Plan and permit process for the site, and clarify development requirements to maintain the historical context of the Dana Adobe, which would result in a beneficial effect by preserving a historical and educational resource for the public. These amendments would not affect recreational resources onsite or in the community, because it would not generate additional demand for recreational opportunities or affect an existing recreational resource.

Conditional Use Permit. The project would result in beneficial recreational impacts by continuing to provide an educational and historical resource open to the public, in addition to future recreational opportunities including hiking, wildlife viewing, picnicking, equestrian use, and enjoyment of open space.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	☐	☐	☒	☐
b) Reduce existing "Levels of Service" on public roadway(s)?	☐	☒	☐	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☐	☒	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Result in inadequate parking capacity?	☐	☐	☒	☐
f) Result in inadequate internal traffic circulation?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	☐	☐	☒	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐
i) Other: _____	☐	☐	☐	☐

Setting. A *Traffic Impact Analysis* (Rick Engineering, 2012) was prepared for the project. The report was reviewed and approved by County Public Works. The report is incorporated by reference into the discussion and analysis below.

Trip Generation. The project site is accessed from South Oakglen Avenue, a two-lane local street, which dead-ends past the southern end of the project site. The local circulation system serving the project site includes U.S. Highway 101 (four lane freeway), West Tefft Street (two to four-lane arterial), Mary Avenue (two lane collector), and Thompson Avenue (two lane arterial). Class II bike lanes are located on West Tefft Street between Las Flores Drive and Carillo Street. South County Area Transit currently provides limited service to Nipomo; transit stops are located on North Thompson Avenue, Nipomo High School, Branch Street, and West Tefft Street (near Carillo Street, approximately 1.2 miles from the project site). The traffic study included an analysis of conditions along these roadways and intersections, including the U.S. Highway 101/West Tefft Street interchange.

Existing use of the project site generates the following average daily trips (ADT): 26 trips due to employees and visitors on weekdays; 8 trips due to employees and visitors on weekends; and, 280 trips due to special events on weekends.

Level of Service. The County has established the level of service (LOS) C threshold as the lower limit for acceptable operations on rural facilities, and LOS D threshold for urban facilities. Caltrans thresholds range between LOS C and D on State highway facilities. The South County Traffic Model

identifies LOS C as the lower limit for acceptable operations on the local street system.

Based on the traffic analysis, existing level of service (LOS) for roadways serving the project is LOS A for all roadways except Mary Avenue north of West Tefft Street (LOS C). Under existing conditions during the PM peak hour, West Tefft Street ranges from LOS B to C (Las Flores Drive to Thompson Avenue). Caltrans data indicates that daily traffic volumes in U.S. Highway 101 are within the LOS B/C range. Average delays at the study intersections are within acceptable levels (LOS C or better). The South County Traffic Model indicates that vehicle delays at the U.S. Highway 101/West Tefft Street southbound ramps are within the LOS D range during the AM peak hour and LOS E range during the PM peak hour.

Unsafe Conditions. Based on traffic accident records for South Oakglen Avenue, four reported accidents occurred between January 2005 and December 2010, which does not indicate a significant accident rate in this location.

Air Traffic. The project site is not located within two miles of an airstrip or airport, and would not adversely affect air traffic.

Impact.

Land Use Ordinance Amendment. The proposed amendment includes an update to language regarding the Southland Street interchange (Section 22.112.080.G.1). The language is clarified to delete reference to this interchange project because it is no longer proposed by Public Works and Caltrans, and replaces it with a requirement for emergency access. This change meets the intent of the original measure by providing emergency access to and from the project site, and would not result in a significant transportation or safety related impact.

Conditional Use Permit. Based on consultation with County Public Works, the applicant is required to implement standard off-site road improvements, including widening South Oakglen Avenue along the property frontage, improving the driveway to meet County Standards, and restricting parking on South Oakglen Avenue (County Public Works, 2011). Implementation of improvements will not require tree removal.

Trip Generation. Weekly activities at the project site would generate approximately 130 ADT, including 9 trips during the AM peak hour and 11 trips during the PM peak hour. The highest number of weekend day trips would occur between May and September due to special events (up to 298 ADT), assuming multiple events are held on the same day. This is an unlikely situation, but was assessed in the traffic study to determine the "worst case scenario".. An average weekend day would also generate 28 ADT from daily visitors and employees. The maximum daily attendance for a large event would generate approximately 600 ADT, which would occur only once per year. Compared to existing conditions, the project would generate approximately 104 additional daily trips during an average weekday and 20 additional trips during an average weekend day. This would result in approximately 8 additional trips during an average weekday AM and PM peak hour. During an average weekend day, the project may reduce the number of trips during the mid-day peak hour (2:00 to 3:00 pm) by 24 trips, due to a reduction in the average attendance numbers at a large event (350 existing versus 300 proposed). The project would add 18 ADT on weekend days due to annual and special events.

Level of Service.

Background Conditions. The traffic analysis considered the project's effect on the environment, including "background conditions". Background conditions include projects that have been approved by the County, and are anticipated to be constructed and contributing to traffic trips and LOS within the study area. The traffic analysis also assumes completion of the Willow Road Interchange project, which is planned for completion in late 2012/early 2013. Based on the results of the background roadway segment analysis, all roadways would operate at LOS A except for: Mary Avenue north of West Tefft Street (LOS E) and Mary Avenue south of West Tefft Street (LOS B). Improvements to

Mary Avenue were conditioned as part of the Landdev LLC project, which would improve LOS to an acceptable level.

During the PM peak hour, assuming completion of the Willow Road Interchange project, all intersections would operate at acceptable LOS except the U.S. Highway 101/West Tefft Street southbound ramps (LOS D).

Background Plus Project. Under "Background Plus Project" conditions, all roadways would operate at LOS A except for: Mary Avenue north of West Tefft Street (LOS E) and Mary Avenue south of West Tefft Street (LOS B), due to other projects in the area (i.e., Landdev LLC). The project would not reduce LOS on any roadway within the study area (Rick Engineering, 2012).

During the PM peak hour, assuming completion of the Willow Road Interchange project, all intersections would operate at acceptable LOS except the U.S. Highway 101/West Tefft Street southbound ramps (LOS D). A majority of project-related trips during the PM peak hour include visitor's center guests and employees/volunteers. The proposed project would contribute to the LOS D designation during the PM peak hour, resulting in a potentially significant impact.

Cumulative Conditions. The cumulative conditions scenario includes background conditions and projects currently under consideration by the County. Under this scenario, all roadways would operate at LOS A except for: Mary Avenue north of West Tefft Street (LOS E) and Mary Avenue south of West Tefft Street (LOS B). Improvements to Mary Avenue were conditioned as part of the Landdev LLC project, which would improve LOS to an acceptable level.

During the PM peak hour, assuming completion of the Willow Road Interchange project, all intersections would operate at acceptable LOS except the U.S. Highway 101/West Tefft Street southbound ramps (LOS D). The proposed project would contribute to the LOS D designation during the PM peak hour, resulting in a potentially significant impact.

Unsafe Conditions. Traffic safety analysis included a review of stopping sight distance at the proposed access driveway and South Oakglen Avenue. Stopping sight distance was recorded at 475 feet for southbound vehicles traveling towards the driveway, which is adequate at a speed of 50 miles per hour. There is a relatively unobstructed line of sight looking south from the driveway toward Southland Street; therefore stopping sight distance for northbound vehicles approaching the project driveway will be sufficient. The traffic analysis determined that left turn lane is not warranted on South Oakglen Avenue, and project traffic will not significantly impact safety along South Oakglen Avenue (Rick Engineering, 2012).

Emergency Access. An approximately 0.6 mile, 18-foot wide, gated, all-weather emergency access drive is proposed to extend from South Oakglen Avenue to Swallow Lane and on to South Thompson Road, and would include a 89-foot long, ten-foot wide flatcar bridge over Nipomo Creek. Based on review by CALFIRE (2011, 2012), the project includes adequate emergency access.

Parking Capacity. The project proposes on-site parking for approximately 200 vehicles, including 40 stalls in a paved parking lot adjacent to the visitor's center and 160 overflow spaces. Limited parking will be available off South Thompson Avenue (not within the roadway) for horse trailers, pedestrian/bicycle trail users, and agricultural uses. The project includes adequate parking for the proposed uses.

Internal Traffic Circulation. Based on review of internal parking and circulation, a separate pedestrian path is recommended between the overflow parking area and paved parking lot, which will help reduce the potential for pedestrians to wander through the parking areas. In addition, it may be difficult for a bus or large truck to enter the overflow parking area(s), and may only be able to accommodate one bus onsite at a time. While these issues would not result in a significant impact, and do not require mitigation, they are identified in the traffic impact analysis for consideration by the applicant.

Alternative Transportation. Implementation of the project includes the use of busses and shuttles to transport visitors to the site and associated educational and special events. The site could also be accessed by pedestrians and bicyclists via access roads and trails. Overall, the project is consistent with alternative transportation policies.

Mitigation/Conclusion. As noted above, the project would contribute to existing and future deficient conditions at the U.S. Highway 101/West Tefft Street southbound ramps. The traffic analysis includes recommendations to reduce PM peak hour trips generated by the project, including implementation of a Transportation Demand Management (TDM) Program. The TDM could potentially reduce and/or eliminate AM and PM peak hour trips by adjusting the hours of the Visitor's Center and new employee/volunteer hours outside the peak hours (7:30 a.m. to 9:30 a.m. and 4:30 p.m. to 6:30 p.m.). In addition, in the event new peak hour trips would be generated, the applicant will be required to contribute to the South County Road Improvement Fee Area 1 program, which partially funds capital road improvement projects in the area. Therefore, payment of the County's Road Improvement Fee or elimination of additional PM peak hour trips would mitigate the project's cumulative effect. Based on implementation of these mitigation measures (refer to Exhibit B), potential transportation/circulation impacts would be less than significant.

13. WASTEWATER - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☐	☐	☒	☐
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☐	☐	☒	☐
c) Adversely affect community wastewater service provider?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "**Basin Plan**"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on perc rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for

daylighting of effluent);

- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances);
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include:

Poor filtering characteristics due to the very permeable nature of the soil, without special engineering will require larger separations between the leach lines and the groundwater basin to provide adequate filtering of the effluent. In this case, based on the *Percolation Testing Report* (GeoSolutions, 2011), it is expected that there will be adequate separation for filtering of effluent before reaching any groundwater source. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch. In this case, the soils report identified percolation rates for the soil ranges from 1 to 10 minutes per inch (average 7 min/in) for all leach line locations. Groundwater was not encountered in the 15 feet below ground surface exploratory boring.

The percolation rate for the subject property is very fast, which requires greater soil depth to provide for adequate filtering. Therefore, prior to issuance of a building permit, provide the county evidence of adequate soil separation to groundwater per CPC, or plans prepared by a qualified individual for an engineered septic system that meets CPC/Basin Plan criteria.

Impacts/Mitigation.

Land Use Ordinance Amendment. The proposed amendments do not include language that would result in an adverse effect related to wastewater. Any future development of wastewater treatment and disposal facilities requires compliance with the LUO and review by the County Planning and Building Department.

Conditional Use Permit.

Waste Discharge Requirements and Criteria. Based on the following project conditions or design features, wastewater impacts are considered less than significant:

- ✓ The project has sufficient land area per the County's Land Use Ordinance to support an on-site system;
- ✓ There is adequate soil separation between the bottom of the leach line to bedrock or high groundwater;
- ✓ The soil's slope is less than 20%;

- ✓ The leach lines are outside of the 100-year flood hazard area;
- ✓ There is adequate distance between proposed leach lines and existing or proposed wells;
- ✓ The leach lines are at least 100 feet from creeks and water bodies.

Based on the above discussion and information provided, the site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. Due to the fast percolation rate, the system will need to be engineered to ensure adequate soil separation to groundwater. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

14. WATER - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any water quality standards?	☐	☒	☐	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	☐	☒	☐	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	☒	☐
d) Change the quantity or movement of available surface or ground water?	☐	☐	☒	☐
e) Adversely affect community water service provider?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project proposes to use a community water system, Nipomo Community Services District (NCSD) for domestic water use within approximately 30 acres west of Nipomo Creek. The NCSD currently provides water to the Dana Adobe (within this 30-acre area) via an existing Outside User's Agreement. Existing on-site wells would be used for restoration on the 100 acres east of the creek. Based on available information, there is some concern regarding the long-term availability of water resources to serve existing and future development on the Nipomo Mesa.

The topography of the project is gently sloping to moderately sloping. Three creeks traverse the project site, including Nipomo Creek, Adobe Creek, and Carillo Creek (refer to attached Figures). As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility.

Water Supply. The project will be using water, extracted from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, and Santa Maria). Approximately 30 percent of the basin's area lies north of the Santa Maria River in San Luis Obispo County. In 1994, the DWR began an update of the 1979 study of the Arroyo Grande Valley – Nipomo Mesa Area groundwater sub area and the northern portion of the Santa Maria River Valley

groundwater sub area. The study, "Water Resources of the Arroyo Grande -Nipomo Mesa Area", was completed and published in 2003. The study contains the following findings and conclusions:

- Observations of groundwater elevations in 1975, 1985 and 1995 revealed the development and subsequent expansion of a depression in groundwater elevations generally south of Willow Road and east of Highway 1 - the south central portion of the Nipomo Mesa.
- Nipomo Community Services District and Southern California Water Company have many of their wells in or near the depression. The extractions of these two agencies have increased from about 940 afy in 1979 to 2,790 afy in 1995 and 3,620 in 2000.
- There have also been increases in demand for water to serve rural residences and agricultural uses.
- Since the depression enlarges, the reduced water in storage could result in increased inflow from Santa Maria Valley and decreased outflow to the ocean from the mesa and the valley. If the pumping depression on the mesa pulls in water from the Santa Maria Valley, the possibility exists for the poorer quality groundwater of the valley, containing high concentrations of dissolved solids, to locally reduce the quality of the mesa's groundwater. Also, in the future, if subsurface outflows to the ocean cease, and the seaward hydraulic gradient is reversed, this condition could lead to seawater intrusion of the groundwater resources. Currently, there is no evidence of seawater intrusion.

A major source of recharge for the Nipomo Mesa is deep percolation of precipitation. This makes the groundwater basin vulnerable to protracted periods of below-average rainfall.

Political/Legal History. In 1998, a complaint was filed by agricultural pumpers in Santa Barbara County against the basin's water purveyors, including the City of Santa Maria, the NCSD and Cal Cities Water Co. Because of inconsistencies in the DWR study, the County commissioned an additional study by S.S. Papadopulos & Associates (SSPA) to provide clarification of water issues on the Mesa. SSPA concluded that the data presented in the DWR study correctly identified overdraft conditions in the Nipomo Mesa area of the groundwater basin.

Concurrently, the judge in the groundwater litigation issued a finding that the basin as a whole was not being overdrafted and that there was insufficient evidence to support the existence of sub-basins. The County's Water Resources Advisory Committee (WRAC) reviewed the SSPA study and the judge's decision and concluded that overdraft in the Nipomo Mesa area either exists currently or is imminent. In November 2004 the Board of Supervisors certified Level of Severity II and approved several actions intended to strengthen water conservation efforts in the Nipomo Mesa area.

Litigation of the basin has resulted in a settlement in which the stipulating parties have agreed to a "physical solution establishing a legal and practical means for ensuring the Basin's long-term sustainability". The physical solution establishes three management areas, creates a management entity for each area and directs each management entity to monitor groundwater conditions and prepare plans for dealing with water shortages. The agenda for the Nipomo Mesa Management Area (NMMA) also includes importation of at least 2,500 acre feet per year of supplemental water by the NCSD from the City of Santa Maria and an agreement of the major water purveyors in the area to purchase some of that water. New urban uses proposed by stipulating parties within the service area of a major water purveyor or within the Sphere of Influence of the NCSD must obtain water service from the local supplier. New urban uses proposed by stipulating parties outside these areas and within one-quarter mile of a service area or NCSD Sphere of Influence must conduct good faith negotiations with the local supplier before forming a mutual water company to provide water service.

In May, 2006, as a part of the annual Growth Management Ordinance update, the County Board of Supervisors adopted the following relating to the Nipomo area:

- Reaffirm limiting new residential development in the Nipomo Mesa Area to an annual 1.8% growth rate;
- Change the Level of Severity for Water Supply from II to III; however, the Board further determined that a building moratorium would not be necessary based on implementing the following measures, as well as environmental determinations for development proposals on the Nipomo Mesa would continue to be made on a case-by-case basis, where an EIR would not necessarily be required if water supply is identified as the only significant issue. The following water conservation measures were required of all new development (and added as County LUO planning area standards) as of August, 2006:
    - Require all sink faucets in bathrooms and kitchens in new residences be equipped with automatic shut off devices. This also applies when a bathroom is added, or when the floor area is increased by twenty per cent (20%). Automatic shut off faucets operate by means of a hands-free electric sensor.
    - Require drip-line irrigation for all landscaped areas (except turf areas) installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, a separate meter for outdoor water and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware.
    - The maximum amount of turf (lawn) area may not exceed twenty percent of the site's total irrigated landscape area, and, in all cases the site's total irrigated landscape area shall be limited to 1,500 square feet.

The County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for the Nipomo Mesa area. Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water.

Also, in an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations may be recommended.

In August, 2006, The Board also approved new requirements for all land divisions accepted for processing after June 23, 2006 and General Plan Amendments submitted after June 23, 2006 in the Nipomo and the Nipomo Mesa areas. Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment. If this documentation indicates that the proposed non-agricultural water demand exceeds the demand without the land division, the project will be subject to contributing towards acquiring supplemental water. This requirement is implemented as a South County Planning Area Standard (22.112.020 (F).

On June 26, 2007, the Board of Supervisors, as a part of the County's Resource Management System annual update, reaffirmed and certified a level of Severity III for water supply in the Nipomo area, and directed the preparation of additional water conservation ordinance(s). The new ordinance(s) will require the establishment of retrofit program(s) and/or other new water conservation program(s) where new development will be required to participate to offset/reduce new impacts to water consumption from the Nipomo Mesa groundwater basin.

Impact.

Land Use Ordinance Amendment. The proposed amendments would not result in an increase in water demand, remove a barrier for development, or result in a significant impact to water available for agricultural use, because the calculated water demand would not exceed the amount that would be required if the site was developed for residential use. In addition, the project would remain subject

to Section 19.20.240d (Nipomo Mesa Water Conservation Area) conditions described above. Therefore, potential impacts to water resources would be less than significant.

Conditional Use Permit.

Water Quality. Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 8.3 acres. The project is in close proximity to Nipomo Creek, and includes an emergency access drive crossing over the creek. As noted in Sections 4 (Biological Resources) and 6 (Geology and Soils), during construction, short-term erosion and sedimentation may occur, resulting in a potentially significant impact. During construction and operation of the project, leaking hydrocarbons from equipment and vehicles may migrate from the developed area into the surface waters, resulting in a potentially significant impact. In addition, the project would create additional impervious surfaces; as discussed in Section 6, Geology and Soils, the applicant is required to incorporate low impact development (LID) design techniques to promote groundwater recharge and protect water quality.

Groundwater. On the 100-acre portion of the project site, existing on-site wells would be used for proposed creek restoration activities, and proposed and ongoing restoration conducted by the County and the Land Conservancy. These wells will also be available for agricultural uses on this portion of the site. These restoration actions, including riparian and other vegetation plantings, are not anticipated to require a substantial amount of groundwater beyond existing and historical conditions once they are established.

Community Service Provider. Based on the project description, the estimated water use would be 1.4 acre feet per year (afy) for operation of the project on the 30-acre portion of the project site, including the caretaker's unit, visitor center/museum, staff offices, restrooms, catering kitchen, and drought-tolerant landscaping. The water demand analysis was prepared by Hodge Land Planning and Civil Engineering, and includes the following break-down:

Visitor's Center (including special events and staff): 0.07 afy

Caretaker's Residence: 0.28 afy

Landscape Irrigation (including proposed water conservation measures): 0.93 afy

Total Use: 1.28 afy

The resulting water demand would be 1.28 afy. The NCSD reviewed the water use projection, and determined that the project would require an equivalent amount of water as currently permitted by the NCSD's Water Service Limitations if the parcels were developed as residential. If the site were developed by residential uses, two primary dwellings (0.40 and 0.82 afy) and one secondary dwelling (0.08 afy) would be allowed (two parcels, 30 acres total), resulting in a total water demand of 1.30 afy. Therefore, the project would not increase non-agricultural water demand more than the amount otherwise available based on the land uses possible under the County General Plan. The NCSD notes that the project includes elements of water conservation education that would complement the NCSD's conservation efforts (NCSD, 2011).

Therefore, based on the project's anticipated demand, proposed implementation of water conservation measures consistent with the LUO, and review and approval by the NCSD, implementation of the project would not result in significant water supply impacts.

Mitigation/Conclusion. Drainage, erosion control, best management practices associated with a Stormwater Pollution Prevention Plan (SWPPP), and low impact development (LID) measures will be implemented for the project, which will provide sufficient measures to adequately protect surface water quality (refer to Section 4 Biological Resources and Section 6 Geology and Soils). The project is required to comply with Nipomo Mesa Water Conservation Area standards, which includes indoor and outdoor measures to reduce water demand. Based on implementation of standard requirements and recommended mitigation measures, impacts to water quality would be less than significant, and

no additional mitigation measures are necessary.

15. LAND USE - *Will the project:*	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	☐	☐	☒	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☒	☐
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☒	☐	☐
e) Other: _____	☐	☐	☐	☐

Setting/Impact.

Land Use Ordinance Amendment. The proposed amendments include clarifications to the permitting process for the site, identified in Section 22.112.080.G.2. The revised language clarifies that future non-residential and non-agricultural development of the site shall be consistent with an approved Master Plan, and a Conditional Use Permit will be required for approval of the Master Plan and any subsequent major changes. The amended language also clarifies that minor amendments to the Master Plan shall be approved pursuant to permit requirements identified in the LUO. The Conditional Use Permit shall identify the areas proposed for development, and an architectural style compatible with the Dana adobe and associated interpretation and educational components. These proposed changes modernize the LUO language by considering existing conditions, and providing process for future approvals. Implementation of the amendment would not have an adverse effect on land use, or be inconsistent with applicable plans and policies.

Conditional Use Permit.

Consistency with Plans and Policies. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project site is located within the Historic (H) combining designation, indicating the presence of the historic Dana Adobe. As discussed in Section 5 Cultural Resources, the project would be consistent with the LUO and General Plan standards specific to the H designation because the project includes the continuation of preservation and restoration of the Dana Adobe consistent with Secretary of Interior standards, preservation and incorporation of elements consistent with the historical context of the structure and surrounding views, and educational facilities to encourage historic preservation, and separation of uses (i.e. Dana Adobe and Visitor's Center). Implementation of the project would not

impair the integrity of the Dana Adobe or result in a significant adverse effect to the historic resource.

Conservation and Environmental Plans. The project is not within or adjacent to a Habitat Conservation Plan area. There are no adopted agency environmental plans applicable to the project.

Land Use Compatibility. The project site is on the edge of the community of Nipomo, and surrounding land is developed by residential and agricultural uses. The project would not be inconsistent with agricultural uses onsite (100 acres to the east) or adjacent uses. Potential land use conflicts include generation of noise during special events. Based on analysis of noise impacts (refer to Section 8 Noise), mitigation can be incorporated to reduce sound levels below County thresholds. Therefore, potential land use impacts would be less than significant.

Mitigation/Conclusion. Based on implementation of noise mitigation identified in Section 8 (Noise) the project would not result in significant land use impacts, and no additional mitigation measures are necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**Attached**
☒	County Environmental Health Division	**Attached**
☒	County Agricultural Commissioner's Office	**Attached**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**Personal Communications**
☐	County Sheriff's Department	**Not Applicable**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Game	**None**
☒	CA Department of Forestry (Cal Fire)	**Attached**
☒	CA Department of Transportation	**None**
☒	Nipomo Community Services District	**Attached**
☒	US Fish and Wildlife Service	**Personal Communications**
☐	Other _____	**Not Applicable**

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☐ Building and Construction Ordinance
- ☐ Coastal Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), including all maps & elements; more pertinent elements considered include:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element (includes Energy, Conservation)
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element
  - ☒ Safety Element
- ☒ Land Use Ordinance
- ☐ Real Property Division Ordinance
- ☐ Solid Waste Management Plan
- ☐ Circulation Study

☒ South County (Inland) Area Plan and Update EIR

Other documents

☒ Archaeological Resources Map
☒ Area of Critical Concerns Map
☒ Areas of Special Biological Importance Map
☒ California Natural Species Diversity Database
☒ Clean Air Plan
☒ Fire Hazard Severity Map
☒ Flood Hazard Maps
☒ Natural Resources Conservation Service Soil Survey for SLO County
☒ Regional Transportation Plan
☒ Uniform Fire Code
☒ Water Quality Control Plan (Central Coast Basin – Region 3)
☒ GIS mapping layers (e.g., Biology, geology, streams, slope, fire, hazards, transportation, water, etc.)
☒ Other Interim Low Impact Development (LID) Guidelines Handout

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

CRMS. 2011. Phase I Archaeological & Paleontological Survey.

David Dubbink Associates. 2012. Noise Study Dana Adobe Master Plan.

KVC. 2011. Preliminary Bridge Analysis Nipomo Creek Crossing at the Dana Adobe.

GeoSolutions, Inc. 2011. Discussion of Over-Excavation Recommendations.

GeoSolutions, Inc. 2011. Exhibits for Potential Disposal Field Areas.

GeoSolutions, Inc. 2011. Percolation Testing Report.

GeoSolutions, Inc. 2011. Soils Engineering Report.

Hodge. 2011. Letter regarding water demand.

Rick Engineering. 2012. Traffic Impact Analysis.

SWCA Environmental Consulting. 2012. Extended Phase I Report.

Terra Verde. 2011. Biological Resources Assessment.

Exhibit B - Mitigation Summary Table

Aesthetics

AES/mm-1: Upon application for construction permits on the 30-acre site, the applicant shall provide a colors and materials board for review and approval by the County Department of Planning and Building. Selected colors shall be dark, earth-toned, and selected to blend in with the natural surrounding vegetation. Selected materials shall primarily be natural-appearing and consistent with the historical adobe and agricultural setting, such as wood, adobe, and stone (or similar compatible materials). Approved colors and materials shall be shown on the project plans. The Department of Planning and Building will verify compliance prior to final inspections.

AES/mm-2: Upon application for construction permits on the 30-acre site, the applicant shall submit an exterior lighting plan to the County Department of Planning and Building for review and approval. The plan shall provide graphic details for all proposed exterior lighting fixtures. Exterior lighting fixtures shall be "dark sky" certified or equivalent. Fixtures must be dark-colored and designed such that the bulb and reflective surfaces are obscured from off-site view.

Air Quality

AQ/mm-1: All required PM_{10} measures shall be shown on applicable grading or construction plans, and are applicable during grading and construction activities. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance.

a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph.
c. Reclaimed (non-potable) water should be used whenever possible;
d. All dirt stock pile areas should be sprayed daily as needed;
e. 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;
f. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
g. 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 APCD;
h. 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;
i. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
j. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
k. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and,
l. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All of these fugitive dust mitigation measures shall be shown on grading and building plans; and the contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. 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 APCD Compliance Division prior to the start of any grading, earthwork or demolition.

AQ/mm-2: The following measures shall apply, to the maximum extent feasible, during grading and construction:

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.
e. Except as noted above (within 1,000 feet of a sensitive receptor), 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: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.
f. Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5 minute idling limit.

AQ/mm-3: Prior to issuance of grading permit, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the 100-acre portion of the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. Prior to development on the 30-acre portion of the site, the applicant shall submit a Naturally Occurring Asbestos Construction and Grading Permit Exemption Request Form to the APCD. If the applicant has any questions regarding these requirements, they shall contact the APCD.

AQ/mm-4: Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. Prior to issuance of any construction permit to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.

AQ/mm-5: The following mitigation is required on the day(s) of the special event, when use of unpaved overflow parking areas will occur:

a. The unpaved parking area shall be treated with a dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD 20% opacity limit (see Technical Appendix 4.3 of the APCD CEQA Handbook).
b. Any unpaved roads/driveways that will be used for the special event shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD 20% opacity limit.
c. The applicant may propose alternative measures of equal effectiveness by contacting the APCD Planning Division.

AQ/mm-6: To minimize nuisance impacts and to reduce fugitive dust emissions from the arena for the life of the project the following mitigation measures shall be incorporated into the project, and are applicable to the demonstration arena:

a. Reduce the amount of the disturbed area where possible;
b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency whenever wind speeds exceed 15 mph.
c. Reclaimed (non-potable) water shall be used whenever possible;
d. Permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities;
e. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air District;
f. A person or persons shall be designated to monitor for dust and implement additional control measures as necessary to prevent transport of dust offsite. The monitor's duties shall include holidays and weekend. The name and telephone number of such persons shall be provided to the Air District prior to operation of the arena.

AQ/mm-7: To reduce greenhouse gas emissions generated by the project, the applicant shall incorporate the following measures into construction plans, to the maximum extent feasible:

a. Provide good access to and from the development for pedestrians, bicyclists, and transit users.
b. Incorporate outdoor electrical outlets to encourage the use of electric appliances and tools.
c. Construct bikeways and/or pedestrian walkways.
d. Provide onsite housing for employees.
e. Parking space reduction to promote bicycle, walking, and transit use.
f. Increase the building energy rating by 20% above Title 24 (2012) requirements.
g. Plant drought tolerant, native shade trees along southern exposures of buildings to reduce energy used to cool buildings in summer.
h. Use green building materials (materials which are resource efficient, recycled, and sustainable) available locally if possible.
i. Install high efficiency heating and cooling systems.
j. Utilize energy efficient interior lighting.
k. Install door sweeps and weather stripping (if more efficient doors and windows are not available).
l. Install energy-reducing programmable thermostats.
m. Provide vanpool, shuttle, or mini bus (or school bus) service.
n. Implement a "no idling" program for heavy-duty diesel vehicles.

Biological Resources

BR/mm-1: Prior to grading and construction within 100 feet of Nipomo Creek, Adobe Creek, and Carillo Creek, a qualified biologist shall conduct pre-construction surveys for sensitive amphibian and reptile species within all portions of the project site containing suitable habitat. The surveys shall include at least two nighttime surveys and one daytime survey immediately preceding construction. If any sensitive species are detected, the following actions shall occur:

a. Any detected adults will be relocated to a nearby suitable aquatic habitat. The location shall be in suitable habitat not subject to disturbance or known threats to the species. Terrestrial habitat surrounding the proposed relocation site shall be as similar in type, aspect, and density to the location of the existing riparian corridor. Sensitive species, such as California red-legged frog, will only be moved if prior approval has been granted by the U.S. Fish and Wildlife Service (see d below).
b. A qualified biological monitor will be present during any clearing, grading, or creek activities. Additionally, a qualified biological monitor will be on site during construction activities to ensure no sensitive species have entered the work area overnight or throughout the day (i.e.,

they will conduct a morning clearance survey and regular daily checks of the work areas).

c. The work areas will be clearly marked to ensure that no work occurs outside of the approved limits of disturbance (i.e., lathe and flagging, t-posts and yellow ropes, and temporary signage).
d. The qualified biologist will receive project-specific approvals from resource agencies prior to handling any wildlife species, especially any sensitive species.
e. Speed limits shall be restricted to 15 miles per hour.
f. Work will occur only during daylight hours.

BR/mm-2: Upon application for construction permits, the following measures shall be included on applicable plans: Construction should be limited to the typical dry season (April 15 to October 15) in order to avoid impacts (e.g., erosion and sedimentation) to the creek and water quality. If work must occur during the rainy season, the applicant shall install adequate erosion and sedimentation controls to prevent any sediment-laden run-off from entering Nipomo Creek. Upon completion of construction, disturbed areas will be stabilized or vegetated as detailed in the project's re-vegetation plan.

BR/mm-3: A qualified biologist shall conduct a pre-construction survey within 30 days prior to the onset of construction activities within all potentially impacted areas of suitable badger habitat (grasslands and agricultural fields) within the 100-acre area. If badger dens are discovered, they will be inspected to determine if they are currently occupied. If dens are discovered and are inactive, they will be excavated to prevent re-occupation prior to construction. If badgers are found during their breeding and rearing season (February to July), these dens shall be avoided with an appropriate buffer to protect them from construction activities. If badgers are found outside of their breeding period, CDFG will be contacted regarding the accepted approach to exclude and excavate the den prior to equipment and other ground disturbing activity on the site.

BR/mm-4: All work shall be avoided during the nesting bird season (approximately February 1 through August 15), including ground and tree-nesting birds. If any construction activities are scheduled to occur during the nesting season, pre-construction bird surveys shall be conducted by a qualified biologist. The pre-construction bird surveys shall be conducted within 250 feet of any proposed construction activity within both the 30-acre and 100-acre areas. The surveys shall be conducted no more than one week prior to the scheduled onset of construction activities.

If nesting bird species are observed within 250 feet of the construction area during the surveys, the biologist shall determine the appropriate exclusion zone for the specific species. A buffer of 250 feet shall be maintained around any nesting raptors. The nesting bird exclusion zones shall be completely avoided until the qualified biologist determines that the young have successfully fledged. A qualified biologist shall conduct periodic site inspections to ensure that the exclusion zone is maintained and to monitor the nesting progression. In the event that sensitive bird species are discovered, the U.S. Fish and Wildlife Service and/or the California Department of Fish and Game will be contacted to determine the appropriate protective measures prior to any construction beginning.

If construction activities must occur within 250 feet of a nesting raptor nest, a qualified biologist shall be consulted to determine if the buffer can be reduced. If, in the opinion of the qualified biologist, the buffer cannot be safely reduced, a full-time avian monitor shall be present during all construction activities occurring within the established buffer to ensure no impacts occur. The avian monitor will have the authority to halt or re-direct work if raptors show signs of disturbance.

BR/mm-5: All existing oak trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading or site grubbing. The outer edge of the tree root zone to be fenced will be outside of the canopy 1/2 again the distance as measured between the tree trunk and outer edge of the canopy (i.e., 1-1/2 times the distance from the trunk to the drip line of the tree). Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas to the maximum extent feasible. If grading, compaction, or placement of fill in the root zone of an existing oak tree cannot be avoided, retaining walls may be constructed to minimize cut and fill impacts to existing oak

trees. 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.

BR/mm-6: All oak trees identified to remain shall not be removed, unless otherwise regulated by County Land Use Ordinance Section 22.56.020.A.4 (Tree Removal Permit Required, Zoning Clearance Exemption for trees in a hazardous condition). Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.

Smaller oak trees (smaller than five inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

BR/mm-7: Newly planted oak trees shall be maintained until successfully established as determined by a qualified professional. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents) and adequate watering (e.g., drip-irrigation system). During the timeframe when the oak are being established on the 30 acres, weed removal shall occur as follows: 1) no herbicides shall have been used; 2) either installation of a) a securely staked "weed mat" (covering at least a 3-foot radius from center of plant), or b) hand removal of weeds (covering at least a 3-foot radius from center of plant) and use of weed-free mulch (at least 3" deep, 3-foot radius) with regular replenishment, shall be completed for each new plant. If the hand removal weeding option is selected it shall be kept up on a regular basis [at least once in late spring (April) and once in early winter (December)]. Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

Once oak trees have been planted and prior to final inspection of building permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating when the above planting occurred, what was planted and all measures installed to improve the long-term success of these trees. This letter shall be submitted to the County Environmental Coordinator.

To guarantee the success of the new oak trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than seven years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-

required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

BR/mm-8: Upon application for construction permits for the emergency access drive, the following measures shall be incorporated into project plans:

a. Disturbance shall be minimized to what is necessary to safely install the emergency access bridge over Nipomo Creek.
b. Appropriate exclusion and erosion control measures shall be installed and maintained during construction activities to minimize sedimentation into the creek and impacts to sensitive habitat.
c. Appropriate permanent sedimentation and erosion control structures shall be included in the bridge design in order to minimize long-term impacts associated with vehicular traffic near the creek (e.g., sedimentation and erosion into the creek due to increased runoff associated with soil compaction and/or installation of impermeable surfaces).
d. The applicant shall restore and re-vegetate any disturbed areas along the access bridge in order to stabilize the streambank.

BR/mm-9: Prior to work within creek channels, the applicant shall coordinate with the appropriate regulatory agencies in order to obtain permits prior to the start of construction. These agencies are likely to include: U.S. Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board, and the U.S. Fish and Wildlife Service.

Cultural Resources

CR/mm-1: At the time of application for construction permits for development on the 30-acre site, the applicant shall delineate the archaeological site(s) as an Environmentally Sensitive Area(s) (ESA) (and avoid any reference to "archaeological") on the project plans. The ESA boundary shall be defined as approximately 3.90 acres and shall include the sensitive resource areas defined in the Phase I Surface Survey (CRMS, 2011) and Extended Phase I Survey (SWCA, 2012), and identify a 50-foot buffer (0.57 acre) around the ESA. Grading and construction plans shall clearly show areas to be capped on the 30-acre site to protect cultural resources within the ESA. Where capping shall occur, clean, sterile fill, consisting of a layer of other conspicuous material (e.g. fill of a noticeable different color) shall be placed over the native soil prior to placement of any other clean fill material. Native soils shall not be graded within the capped portion of the ESA, and to the extent feasible within the buffer area, except as permitted for utility trenching and removal of organic material. All disturbance of native soils shall be minimized to the maximum extent feasible. Activities that may potentially result in impacts to resources within the 50-foot buffer shall be minimized to the maximum extent feasible. Only sufficient fill to protect cultural resources shall be placed over the site so as to allow native soils to remain undisturbed. A qualified archaeologist shall be retained to oversee this work and a report submitted to the county prior to final inspection.

CR/mm-2: Upon submittal of construction permit application for project buildings within the ESA, the applicant shall utilize a project foundation design and grading plan that minimizes site disturbance within the ESA to the maximum extent feasible. The project foundation design and grading plan shall be subject to the review and approval of the Planning Director. Where final designs for construction over the ESA would result in greater impacts to cultural resources, "side-by-side" comparisons of disturbance and calculations of area, and as applicable, the depth of cultural materials affected may be required for the review and approval by the Planning Director, to determine the design that results in the least disturbance.

CR/mm-3: Prior to issuance of construction permits for development on the 30-acre site, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for

review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (CRMS, 2011; SWCA, 2012). The Phase III program shall include at least the following:

a. Incorporation of intensive surface documentation and catalogue of artifacts and cultural materials in areas that would be impacted by the proposed development, including surface capping and development of trails.
b. Standard archaeological data recovery practices;
c. Recommendation of sample size adequate to mitigate for impacts due to subsurface excavation (i.e., underground utilities) within the archaeological site, including basis and justification of the recommended sample size. Sample size should be between 1 - 3% of the volume of excavated soil. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size;
d. Identification of location of sample sites/test units, including consideration of data recovery locations within areas proposed to be trenched for utility installation and other excavations;
e. Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
f. Disposition of collected materials;
g. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
h. List of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable plans and implemented during construction.

CR/mm-4: Prior to final inspection, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work, as identified in the Phase III program, has been completed.

CR/mm-5: Prior to issuance of construction permit, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

a. List of personnel involved in the monitoring activities;
b. Description of how the monitoring shall occur;
c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
d. Description of what resources are expected to be encountered;
e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" new archaeological resources?);
f. Description of procedures for halting work on the site and notification procedures;
g. Description of monitoring reporting procedures.

CR/mm-6: During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any new significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

CR/mm-7: Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first)] the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all

recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

CR/mm-8: Upon application for construction permits for development on the 30-acre site, the applicant shall submit plans verifying the preservation of documented historic resources onsite, including the tallow vat, retaining wall, barn foundation, and windmill (refer to CRMS, 2011).

CR/mm-9: Upon application for construction permits for development on the 30-acre site, additional study including archival and field investigation shall verify the presence of the stagecoach roadbed. In the event the presence of the roadbed is determined, the applicant shall avoid the resource to the maximum extent feasible, and the site shall be included in the delineated Environmentally Sensitive Area, and addressed pursuant to the onsite capping, data recovery, and monitoring plans.

CR/mm-10: In the event ground disturbance exceeds six feet in depth within Diablo clay, Diablo and Cibo clays, Marimel silty clay loam, Tierra loam, or Zaca clay, the applicant shall retain a qualified paleontologist to monitor initial excavation activities. Upon completion of all monitoring/mitigation activities, and prior to final inspection, the consulting paleontologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met and include analysis of all discoveries.

Geology and Soils

GS/mm-1: Prior to issuance of a grading permit, the applicant shall provide a copy of the Regional Water Quality Control Board-approved Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be implemented prior to, during, and following ground disturbance.

GS/mm-2: At the time of application for construction permits, the applicant shall show on the construction permits, project designs that will promote groundwater recharge (22.52.140) by application of Low Impact Development (LID) design techniques. At least three designer selected LID/stormwater runoff reduction measures shall be applied to the project, including, but not limited to the following options:

a. Parking lots shall be designed to drain to vegetated depressions, rain gardens, or open areas to allow for stormwater infiltration.
b. Roof runoff should be directed to landscape areas (rain gardens) and / or vegetated drainage swales and shall not be directed to impervious surfaces that have the potential to contain pollutants.
c. Vegetated drainage swales shall be constructed along the access driveway and discharge to an approved location in a non-erosive manner.
d. Pavement disconnection within the parking area.
e. Other measures, as approved by the County Planning Department in consultation with Public Works.
f. These measures shall be implemented prior to final inspection or occupancy, whichever occurs first.

Noise

N/mm-1: Upon application for construction permits, the applicant shall submit plans listing the following noise attenuation measures, which shall be implemented for the life of the project:

a. Outdoor events with amplified music or sound shall not be permitted to continue beyond 10:00 p.m.
b. All soundspeaker systems shall include dispersed speakers oriented away from residential properties.
c. Within the amphitheater, speakers shall be orientated downward or positioned below the stage.

d. The enforced amplified sound limit (excluding the amphitheater) shall be 85 decibels maximum as measured 50 feet from the source.
e. The enforced amplified sound limit within the amphitheater shall be 80 decibels maximum as measured 50 feet from the source.
f. An on-site manager shall be present during all events to verify the amplified sound limit using a noise meter (Type 2 or better) and address noise complaints (if received). All noise complaints and subsequent remediation actions (i.e., reducing the amplified noise level within acceptable limits, adjusting speaker locations) shall be recorded by the on-site manager and kept on file by DANA.
g. DANA shall provide a letter to all adjacent landowners including the name and contact information for the on-site manager.

All amplified noise attenuation measures shall be listed on any special event agreements issued by DANA.

Transportation/Circulation

TR/mm-1: Prior to issuance of building permits, to mitigate for impacts to the US 101 / West Tefft Street interchange during the PM peak hour, the applicant shall:

1. Prepare a Transportation Demand Management (TDM) Program subject to the review and approval of the Department of Public Works that adjusts:
   a. Visitor center hours outside of the weekday a.m. peak hours (7:30 a.m. to 9:30 a.m.) and p.m. peak hours (4:30 p.m. to 6:30 p.m.), and
   b. New employee/volunteer hours to avoid outbound trips between 4:30 p.m. and 6:00 p.m.; or
2. In the event the project would generate new peak hour trips, the applicant shall consult with the Department of Public Works, and submit the South County Area 1 Road Fee in the amount prevailing at the time of payment.

TR/mm-2: Upon application for construction permit for development of the 30-acre site, the applicant shall submit a street plan and profile to widen South Oakglen Avenue to complete the project site of an A-1 rural street section fronting the property. All proposed driveways shall be constructed in accordance with County Standard B-1 series drawings.

EXHIBIT C
APPLICANT PROPOSED LAND USE ORDINANCE AMENDMENT

San Luis Obispo County Code – Title 22, Land Use Ordinance
Proposed Text Change
Article 9 – Community Planning Standards (Revised June 2010)
Combining Designations
Section 22.112.030, Page 9-270

22.112.030 - Combining Designations
The following standards apply within the applicable combining designations. These standards apply in the rural, urban and village areas, so they are not repeated in later Sections of this Chapter.

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 an architectural motif compatible with the adobe itself and consistent with the site master plan on file at the Department. This requirement applies to the Dana Adobe site in addition to the requirements of Sections 22.112.080.F.1 through F.4. [Amended 1997, Ord. 2800]~~ consistent with Sections 22.112.080 G. ***Note:*** *this is redundant of previous sections and references F (which is not applicable) instead of G.*

Figure 112-6 - Dana Adobe Site
Note: *Figure stays the same.*

San Luis Obispo County Code – Title 22, Land Use Ordinance
Proposed Text Change
Article 9 – Community Planning Standards (Revised June 2010)
South County Nipomo Urban Area
Section 22.112.080, Pages 9-345 to 9-346

G. Recreation (REC) – Dana Adobe. The following standards apply only to ~~the properties containing and surrounding~~ the Dana Adobe properties shown in Figure 112-57 ~~in addition to the Historic combining designation standard in Section 22.112.030.A~~ **B** *Note: DANA now owns the "surrounding property" so that has been deleted since the area described is in Figure 112-6. Also, the Historic combining designation requests that the reader go to Section 22.112.030 B – so no need to create a loop. If the last part stays in it should be 22.112.030 B (the "A" is proposed for deletion) – there was an error in the original text.*

1. Limitation on use.

a. Prior to completion of a future ~~Southland Street interchange~~ emergency access accessible by the Dana Adobe properties and/or the creation of a "safe refuge", 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 ~~Southland Street interchange~~ emergency access accessible to the Dana Adobe properties and/or a safe refuge, 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 development of any non-agricultural or non-residential uses shall comply with the Site Master Plan on file with the Department or an approved amendment to that Master Plan. The initial Site Master Plan or major amendments to the Site Master Plan ~~and~~ 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 ~~motif~~ style compatible with the adobe ~~itself~~ and the site's interpretation and educational components. Once a Conditional Use Permit has been approved for the Site Master Plan, minor amendments to the Master Plan may be approved by the Planning & Building Department or through a permit as designated in Article 2, Table 2-2 (Allowable Land Uses and Permit Requirements) Section 22.060.30. *Note – right now it sounds like every change would require a new CUP.*

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.** Siting and architecture of both residential and nonresidential uses shall be visually compatible with the Dana Adobe ~~and located to minimize their appearance from the adobe~~. Physical linkage with the adobe site shall be designed that encourages pedestrian travel and interpretation of the site's resources. Landscaping ~~shall be utilized~~ should be used to buffer views between the adobe and ~~development sites~~ support buildings and project infrastructure such as parking lots. Should the nonprofit organization, the Dana Adobe Nipomo Amigos, cease to exist, ~~An area shall be located around the Dana adobe site,~~ the 29 acre site should ~~to~~ be offered for dedication to the County, another nonprofit agency, or appropriate caretaker organization for maintenance and improvements. ~~Funding for the improvement of the adobe and its site at an amount to be determined through permit review shall be provided before occupancy of any proposed development.~~ ***Note**: not sure of the meaning of this last sentence. Do we need the other sentence before this? A concern with landscaping is we don't want to block the views of the adobe from the visitor's center or the view of the 100 acres to the east.*

Figure 112-57 - ~~Property Surrounding the~~ Dana Adobe Property
Note: "Property surrounding" is confusing. Thus proposed change noted above.

DEVELOPER'S STATEMENT FOR THE DANA ADOBE NIPOMO AMIGOS CONDITIONAL USE PERMIT DRC2011-00042

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

AESTHETICS

AES/mm-1: Upon application for construction permits on the 30-acre site, the applicant shall provide a colors and materials board for review and approval by the County Department of Planning and Building. Selected colors shall be dark, earth-toned, and selected to blend in with the natural surrounding vegetation. Selected materials shall primarily be natural-appearing and consistent with the historical adobe and agricultural setting, such as wood, adobe, and stone (or similar compatible materials). Approved colors and materials shall be shown on the project plans. The Department of Planning and Building will verify compliance prior to final inspections.

Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the Department of Planning and Building, in consultation with the Environmental Coordinator.

AES/mm-2: Upon application for construction permits on the 30-acre site, the applicant shall submit an exterior lighting plan to the County Department of Planning and Building for review and approval. The plan shall provide graphic details for all proposed exterior lighting fixtures. Exterior lighting fixtures shall be "dark sky" certified or equivalent. Fixtures must be dark-colored and designed such that the bulb and reflective surfaces are obscured from off-site view.

Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the Department of Planning and Building, in consultation with the Environmental Coordinator.

AIR QUALITY

AQ/mm-1: All required PM_{10} measures shall be shown on applicable grading or construction plans, and are applicable during grading and construction activities. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance.

a. Reduce the amount of the disturbed area where possible;

b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph.
c. Reclaimed (non-potable) water should be used whenever possible;
d. All dirt stock pile areas should be sprayed daily as needed;
e. 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;
f. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
g. 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 APCD;
h. 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;
i. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
j. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
k. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and,
l. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All of these fugitive dust mitigation measures shall be shown on grading and building plans; and the contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. 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 APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Monitoring: Will be noted on all grading and construction plans. Compliance will be verified by APCD in consultation with the Department of Planning and Building.

AQ/mm-2: The following measures shall apply, to the maximum extent feasible, during grading and construction:

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.
e. Except as noted above (within 1,000 feet of a sensitive receptor), 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: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.
f. Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5 minute idling limit.

Monitoring: Will be noted on all grading and construction plans. Compliance will be verified by APCD in consultation with the Department of Planning and Building.

AQ/mm-3: Prior to issuance of grading permit, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the 100-acre portion of the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. Prior to development on the 30-acre portion of the site, the applicant shall submit a Naturally Occurring Asbestos Construction and Grading Permit Exemption Request Form to the APCD. If the applicant has any questions regarding these requirements, they shall contact the APCD.

Monitoring: Will be noted on all grading and construction plans. Compliance will be verified by APCD in consultation with the Department of Planning and Building.

AQ/mm-4: Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. Prior to issuance of any construction permit to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.

Monitoring: Will be noted on all grading and construction plans. Compliance will be verified by APCD in consultation with the Department of Planning and Building.

AQ/mm-5: The following mitigation is required on the day(s) of the special event, when use of unpaved overflow parking areas will occur:

a. The unpaved parking area shall be treated with a dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD 20% opacity limit (see Technical Appendix 4.3 of the APCD CEQA Handbook).
b. Any unpaved roads/driveways that will be used for the special event shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD 20% opacity limit.
c. The applicant may propose alternative measures of equal effectiveness by contacting the APCD Planning Division.

Monitoring: Compliance will be verified by APCD in consultation with the Department of Planning and Building.

AQ/mm-6: To minimize nuisance impacts and to reduce fugitive dust emissions from the arena for the life of the project the following mitigation measures shall be incorporated into the project, and are applicable to the demonstration arena:

a. Reduce the amount of the disturbed area where possible;

b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency whenever wind speeds exceed 15 mph.
c. Reclaimed (non-potable) water shall be used whenever possible;
d. Permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities;
e. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air District;
f. A person or persons shall be designated to monitor for dust and implement additional control measures as necessary to prevent transport of dust offsite. The monitor's duties shall include holidays and weekend. The name and telephone number of such persons shall be provided to the Air District prior to operation of the arena.

Monitoring: Compliance will be verified by APCD in consultation with the Department of Planning and Building.

AQ/mm-7: To reduce greenhouse gas emissions generated by the project, the applicant shall incorporate the following measures into construction plans, to the maximum extent feasible:

a. Provide good access to and from the development for pedestrians, bicyclists, and transit users.
b. Incorporate outdoor electrical outlets to encourage the use of electric appliances and tools.
c. Construct bikeways and/or pedestrian walkways.
d. Provide onsite housing for employees.
e. Parking space reduction to promote bicycle, walking, and transit use.
f. Increase the building energy rating by 20% above Title 24 (2012) requirements.
g. Plant drought tolerant, native shade trees along southern exposures of buildings to reduce energy used to cool buildings in summer.
h. Use green building materials (materials which are resource efficient, recycled, and sustainable) available locally if possible.
i. Install high efficiency heating and cooling systems.
j. Utilize energy efficient interior lighting.
k. Install door sweeps and weather stripping (if more efficient doors and windows are not available).
l. Install energy-reducing programmable thermostats.
m. Provide vanpool, shuttle, or mini bus (or school bus) service.
n. Implement a "no idling" program for heavy-duty diesel vehicles.

Monitoring: Will be noted on construction plans. Compliance will be verified by APCD in consultation with the Department of Planning and Building.

BIOLOGICAL RESOURCES

BR/mm-1: Prior to grading and construction within 100 feet of Nipomo Creek, Adobe Creek, and Carillo Creek, a qualified biologist shall conduct pre-construction surveys for sensitive amphibian and reptile species within all portions of the project site containing suitable habitat. The surveys shall include at least two nighttime surveys and one daytime survey immediately preceding construction.

If any sensitive species are detected, the following actions shall occur:

a. Any detected adults will be relocated to a nearby suitable aquatic habitat. The location shall be in suitable habitat not subject to disturbance or known threats to the species. Terrestrial habitat surrounding the proposed relocation site shall be as similar in type, aspect, and density to the location of the existing riparian corridor. Sensitive species, such as California red-legged frog, will only be moved if prior approval has been granted by the U.S. Fish and Wildlife Service (see d below).
b. A qualified biological monitor will be present during any clearing, grading, or creek activities. Additionally, a qualified biological monitor will be on site during construction activities to ensure no sensitive species have entered the work area overnight or throughout the day (i.e., they will conduct a morning clearance survey and regular daily checks of the work areas).
c. The work areas will be clearly marked to ensure that no work occurs outside of the approved limits of disturbance (i.e., lathe and flagging, t-posts and yellow ropes, and temporary signage).
d. The qualified biologist will receive project-specific approvals from resource agencies prior to handling any wildlife species, especially any sensitive species.
e. Speed limits shall be restricted to 15 miles per hour.
f. Work will occur only during daylight hours.

Monitoring: Will be noted on all grading and construction plans. Compliance will be verified by the biological monitor and Department of Planning and Building.

BR/mm-2: Upon application for construction permits, the following measures shall be included on applicable plans: Construction should be limited to the typical dry season (April 15 to October 15) in order to avoid impacts (e.g., erosion and sedimentation) to the creek and water quality. If work must occur during the rainy season, the applicant shall install adequate erosion and sedimentation controls to prevent any sediment-laden run-off from entering Nipomo Creek. Upon completion of construction, disturbed areas will be stabilized or vegetated as detailed in the project's re-vegetation plan.

Monitoring: Will be noted on an all grading and construction plans. Compliance will be verified by the biological monitor and Department of Planning and Building.

BR/mm-3: A qualified biologist shall conduct a pre-construction survey within 30 days prior to the onset of construction activities within all potentially impacted areas of suitable badger habitat (grasslands and agricultural fields) within the 100-acre area. If badger dens are discovered, they will be inspected to determine if they are currently occupied. If dens are discovered and are inactive, they will be excavated to prevent re-occupation prior to construction. If badgers are found during their breeding and rearing season (February to July), these dens shall be avoided with an appropriate buffer to protect them from construction activities. If badgers are found outside of their breeding period, CDFG will be contacted regarding the accepted approach to exclude and excavate the den prior to equipment and other ground disturbing activity on the site.

Monitoring: Will be noted on all grading and construction plans. Compliance will be verified by the biological monitor and Department of Planning and Building.

BR/mm-4: All work shall be avoided during the nesting bird season (approximately February 1 through August 15), including ground and tree-nesting birds. If any construction activities are scheduled to occur during the nesting season, pre-construction bird surveys shall be conducted by a qualified biologist. The pre-construction bird surveys shall be conducted within 250 feet of any proposed construction activity within both the 30-acre and 100-acre areas. The surveys shall be conducted no more than one week prior to the scheduled onset of construction activities.

If nesting bird species are observed within 250 feet of the construction area during the surveys, the biologist shall determine the appropriate exclusion zone for the specific species. A buffer of 250 feet shall be maintained around any nesting raptors. The nesting bird exclusion zones shall be completely avoided until the qualified biologist determines that the young have successfully fledged. A qualified biologist shall conduct periodic site inspections to ensure that the exclusion zone is maintained and to monitor the nesting progression. In the event that sensitive bird species are discovered, the U.S. Fish and Wildlife Service and/or the California Department of Fish and Game will be contacted to determine the appropriate protective measures prior to any construction beginning.

If construction activities must occur within 250 feet of a nesting raptor nest, a qualified biologist shall be consulted to determine if the buffer can be reduced. If, in the opinion of the qualified biologist, the buffer cannot be safely reduced, a full-time avian monitor shall be present during all construction activities occurring within the established buffer to ensure no impacts occur. The avian monitor will have the authority to halt or re-direct work if raptors show signs of disturbance.

Monitoring: Will be noted on all grading and construction plans. Compliance will be verified by the biological monitor and Department of Planning and Building.

BR/mm-5: All existing oak trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading or site grubbing. The outer edge of the tree root zone to be fenced will be outside of the canopy 1/2 again the distance as measured between the tree trunk and outer edge of the canopy (i.e., 1-1/2 times the distance from the trunk to the drip line of the tree). Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas to the maximum extent feasible. If grading, compaction, or placement of fill in the root zone of an existing oak tree cannot be avoided, retaining walls may be constructed to minimize cut and fill impacts to existing oak trees. 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.

Monitoring: Will be noted on all grading and construction plans. Compliance will be verified by the biological monitor and Department of Planning and Building.

BR/mm-6: All oak trees identified to remain shall not be removed, unless otherwise regulated by County Land Use Ordinance Section 22.56.020.A.4 (Tree Removal Permit Required, Zoning Clearance Exemption for trees in a hazardous condition). Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.

Smaller oak trees (smaller than five inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

Monitoring: Will be noted on all grading and construction plans. Compliance will be verified by the biological monitor and Department of Planning and Building.

BR/mm-7: Newly planted oak trees shall be maintained until successfully established as determined by a qualified professional. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents) and adequate watering (e.g., drip-irrigation system). During the timeframe when the oaks are being established on the 30 acres, weed removal shall occur as follows: 1) no herbicides shall have been used; 2) either installation of a) a securely staked "weed mat" (covering at least a 3-foot radius from center of plant), or b) hand removal of weeds (covering at least a 3-foot radius from center of plant) and use of weed-free mulch (at least 3" deep, 3-foot radius) with regular replenishment, shall be completed for each new plant. If the hand removal weeding option is selected it shall be kept up on a regular basis [at least once in late spring (April) and once in early winter (December)]. Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

Once oak trees have been planted and prior to final inspection of building permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating when the above planting occurred, what was planted and all measures installed to improve the long-term success of these trees. This letter shall be submitted to the County Environmental Coordinator.

To guarantee the success of the new oak trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than seven years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and

successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

Monitoring: Will be noted on all grading and construction plans. Compliance will be verified by the biological monitor and Department of Planning and Building.

BR/mm-8: Upon application for construction permits for the emergency access drive, the following measures shall be incorporated into project plans:

a. Disturbance shall be minimized to what is necessary to safely install the emergency access bridge over Nipomo Creek.
b. Appropriate exclusion and erosion control measures shall be installed and maintained during construction activities to minimize sedimentation into the creek and impacts to sensitive habitat.
c. Appropriate permanent sedimentation and erosion control structures shall be included in the bridge design in order to minimize long-term impacts associated with vehicular traffic near the creek (e.g., sedimentation and erosion into the creek due to increased runoff associated with soil compaction and/or installation of impermeable surfaces).
d. The applicant shall restore and re-vegetate any disturbed areas along the access bridge in order to stabilize the streambank.

Monitoring: Will be noted on all grading and construction plans. Compliance will be verified by the biological monitor and Department of Planning and Building.

BR/mm-9: Prior to work within creek channels, the applicant shall coordinate with the appropriate regulatory agencies in order to obtain permits prior to the start of construction. These agencies are likely to include: U.S. Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board, and the U.S. Fish and Wildlife Service.

Monitoring: Will be noted on all grading and construction plans. The applicant shall submit copies of permit authorizations or other documentation to the Department of Planning and Building, and shall maintain a copy of such permit authorizations onsite.

CULTURAL RESOURCES

CR/mm-1: At the time of application for construction permits for development on the 30-acre site, the applicant shall delineate the archaeological site(s) as an Environmentally Sensitive Area(s) (ESA) (and avoid any reference to "archaeological") on the project plans. The ESA boundary shall be defined as approximately 3.90 acres and shall include the sensitive resource areas defined in the Phase I Surface Survey (CRMS, 2011) and Extended Phase I Survey (SWCA, 2012), and identify a 50-foot buffer (0.57 acre) around the ESA. Grading and construction plans shall clearly show areas to be capped on the 30-acre site to protect cultural resources within the ESA. Where capping shall occur, clean, sterile fill, consisting of a layer of other conspicuous material (e.g. fill of a noticeable different color) shall be placed over the native soil prior to placement of any other clean fill material. Native soils shall not be graded within the capped portion of the ESA, and to the extent feasible within the buffer area, except as permitted for utility trenching and removal of organic material. All disturbance of native soils shall be minimized to the maximum extent feasible. Activities that may potentially result in impacts to resources within the 50-foot buffer shall be minimized to the maximum extent

feasible. Only sufficient fill to protect cultural resources shall be placed over the site so as to allow native soils to remain undisturbed. A qualified archaeologist shall be retained to oversee this work and a report submitted to the county prior to final inspection.

Monitoring: Will be shown on grading and construction plans. Compliance will be verified by the Department of Planning and Building.

CR/mm-2: Upon submittal of construction permit application for project buildings within the ESA, the applicant shall utilize a project foundation design and grading plan that minimizes site disturbance within the ESA to the maximum extent feasible. The project foundation design and grading plan shall be subject to the review and approval of the Planning Director. Where final designs for construction over the ESA would result in greater impacts to cultural resources, "side-by-side" comparisons of disturbance and calculations of area, and as applicable, the depth of cultural materials affected may be required for the review and approval by the Planning Director, to determine the design that results in the least disturbance.

Monitoring: Compliance will be verified by the Department of Planning and Building.

CR/mm-3: Prior to issuance of construction permits for development on the 30-acre site, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (CRMS, 2011; SWCA, 2012). The Phase III program shall include at least the following:

a. Incorporation of intensive surface documentation and catalogue of artifacts and cultural materials in areas that would be impacted by the proposed development, including surface capping and development of trails.
b. Standard archaeological data recovery practices;
c. Recommendation of sample size adequate to mitigate for impacts due to subsurface excavation (i.e., underground utilities) within the archaeological site, including basis and justification of the recommended sample size. Sample size should be between 1 - 3% of the volume of excavated soil. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size;
d. Identification of location of sample sites/test units, including consideration of data recovery locations within areas proposed to be trenched for utility installation and other excavations;
e. Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
f. Disposition of collected materials;
g. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
h. List of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable plans and implemented during construction.

Monitoring: Compliance will be verified by the Department of Planning and Building.

CR/mm-4: Prior to final inspection, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work, as identified in the Phase III program, has been completed.

Monitoring: Compliance will be verified by the Department of Planning and Building.

CR/mm-5: Prior to issuance of construction permit, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

a. List of personnel involved in the monitoring activities;
b. Description of how the monitoring shall occur;
c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
d. Description of what resources are expected to be encountered;
e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" new archaeological resources?);
f. Description of procedures for halting work on the site and notification procedures;
g. Description of monitoring reporting procedures.

Monitoring: Compliance will be verified by the archaeological monitor and Department of Planning and Building.

CR/mm-6: During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any new significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Monitoring: Compliance will be verified by the archaeological monitor and Department of Planning and Building.

CR/mm-7: Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first)] the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

Monitoring: Compliance will be verified by the archaeological monitor and Department of Planning and Building.

CR/mm-8: Upon application for construction permits for development on the 30-acre site, the applicant shall submit plans verifying the preservation of documented historic resources onsite, including the tallow vat, retaining wall, barn foundation, and windmill (refer to

CRMS, 2011).

Monitoring: Compliance will be verified by the Department of Planning and Building.

CR/mm-9: Upon application for construction permits for development on the 30-acre site, additional study including archival and field investigation shall verify the presence of the stagecoach roadbed. In the event the presence of the roadbed is determined, the applicant shall avoid the resource to the maximum extent feasible, and the site shall be included in the delineated Environmentally Sensitive Area, and addressed pursuant to the onsite capping, data recovery, and monitoring plans.

Monitoring: Compliance will be verified by the Department of Planning and Building.

CR/mm-10: In the event ground disturbance exceeds six feet in depth within Diablo clay, Diablo and Cibo clays, Marimel silty clay loam, Tierra loam, or Zaca clay, the applicant shall retain a qualified paleontologist to monitor initial excavation activities. Upon completion of all monitoring/mitigation activities, and prior to final inspection, the consulting paleontologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met and include analysis of all discoveries.

Monitoring: Compliance will be verified by the Department of Planning and Building.

GEOLOGY AND SOILS

GS/mm-1: Prior to issuance of a grading permit, the applicant shall provide a copy of the Regional Water Quality Control Board-approved Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be implemented prior to, during, and following ground disturbance.

Monitoring: Compliance will be verified by the Department of Planning and Building.

GS/mm-2: At the time of application for construction permits, the applicant shall show on the construction permits, project designs that will promote groundwater recharge (22.52.140) by application of Low Impact Development (LID) design techniques. At least three designer selected LID/stormwater runoff reduction measures shall be applied to the project, including, but not limited to the following options:

a. Parking lots shall be designed to drain to vegetated depressions, rain gardens, or open areas to allow for stormwater infiltration.
b. Roof runoff should be directed to landscape areas (rain gardens) and / or vegetated drainage swales and shall not be directed to impervious surfaces that have the potential to contain pollutants.
c. Vegetated drainage swales shall be constructed along the access driveway and discharge to an approved location in a non-erosive manner.
d. Pavement disconnection within the parking area.
e. Other measures, as approved by the County Planning Department in consultation with Public Works.
f. These measures shall be implemented prior to final inspection or occupancy, whichever occurs first.

Monitoring: Compliance will be verified by the Department of Planning and Building.

NOISE

N/mm-1: Upon application for construction permits, the applicant shall submit plans listing the following noise attenuation measures, which shall be implemented for the life of the project:

a. Outdoor events with amplified music or sound shall not be permitted to continue beyond 10:00 p.m.
b. All soundspeaker systems shall include dispersed speakers oriented away from residential properties.
c. Within the amphitheater, speakers shall be orientated downward or positioned below the stage.
d. The enforced amplified sound limit (excluding the amphitheater) shall be 85 decibels maximum as measured 50 feet from the source.
e. The enforced amplified sound limit within the amphitheater shall be 80 decibels maximum as measured 50 feet from the source.
f. An on-site manager shall be present during all events to verify the amplified sound limit using a noise meter (Type 2 or better) and address noise complaints (if received). All noise complaints and subsequent remediation actions (i.e., reducing the amplified noise level within acceptable limits, adjusting speaker locations) shall be recorded by the on-site manager and kept on file by DANA.
g. DANA shall provide a letter to all adjacent landowners including the name and contact information for the on-site manager.

All amplified noise attenuation measures shall be listed on any special event agreements issued by DANA.

Monitoring: Will be noted on construction plans. Compliance will be verified by the Department of Planning and Building.

TRANSPORTATION AND CIRCULATION

TR/mm-1: Prior to issuance of building permits, to mitigate for impacts to the US 101 / West Tefft Street interchange during the PM peak hour, the applicant shall:

1. Prepare a Transportation Demand Management (TDM) Program subject to the review and approval of the Department of Public Works that adjusts:
   a. Visitor center hours outside of the weekday a.m. peak hours (7:30 a.m. to 9:30 a.m.) and p.m. peak hours (4:30 p.m. to 6:30 p.m.), and
   b. New employee/volunteer hours to avoid outbound trips between 4:30 p.m. and 6:00 p.m.; or
2. In the event the project would generate new peak hour trips, the applicant shall consult with the Department of Public Works, and submit the South County Area 1 Road Fee in the amount prevailing at the time of payment.

Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the Department of Public Works, in consultation with the Department of

Planning and Building.

TR/mm-2: Upon application for construction permit for development of the 30-acre site, the applicant shall submit a street plan and profile to widen South Oakglen Avenue to complete the project site of an A-1 rural street section fronting the property. All proposed driveways shall be constructed in accordance with County Standard B-1 series drawings.

Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the Public Works Department in consultation with the Planning and Building Department.

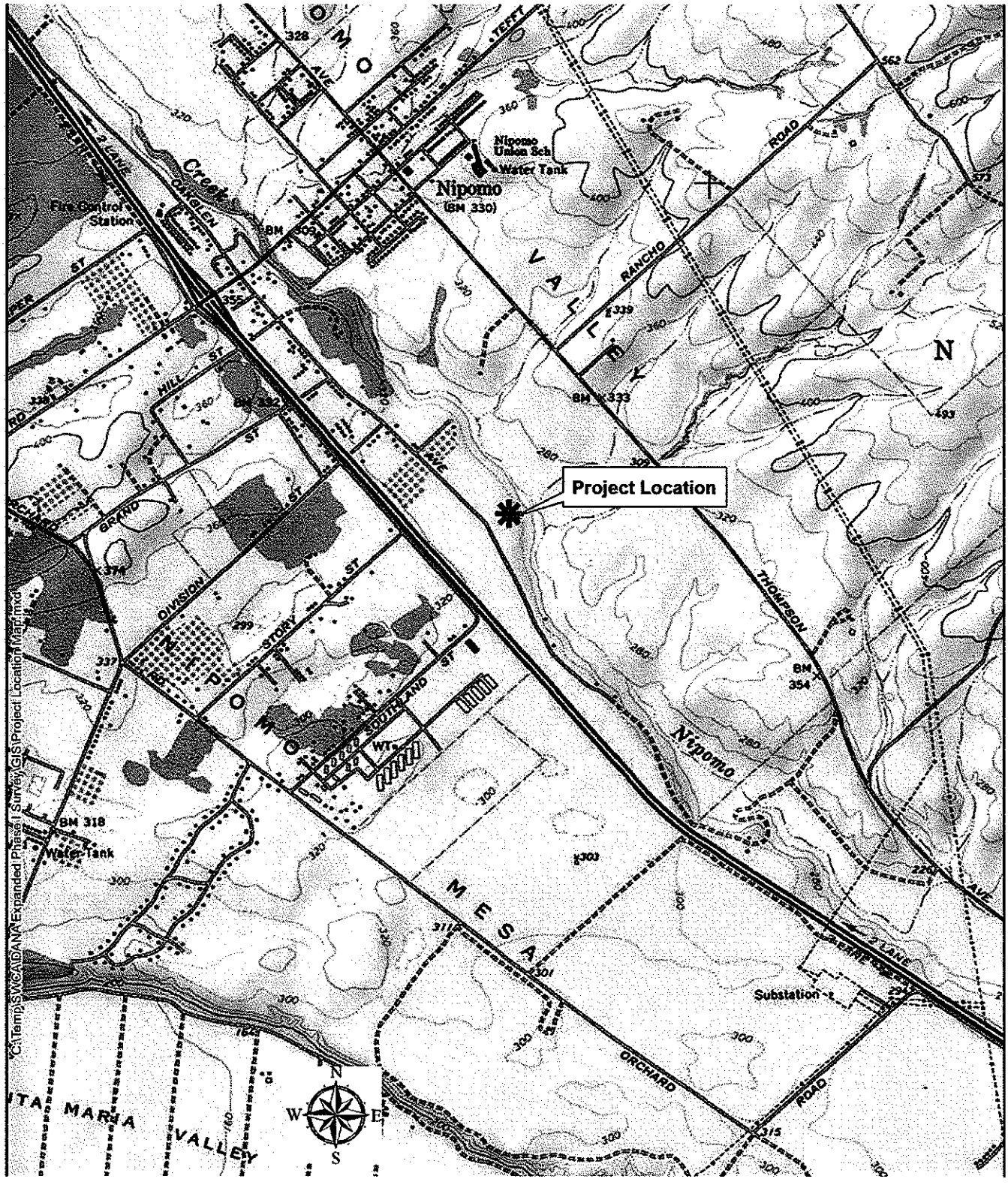
The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Helen Daurio Alan P. Daurio
Signature of Owner(s)

4-03-12
Date

Helen DAURIO Alan P. Daurio
Name (Print)

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



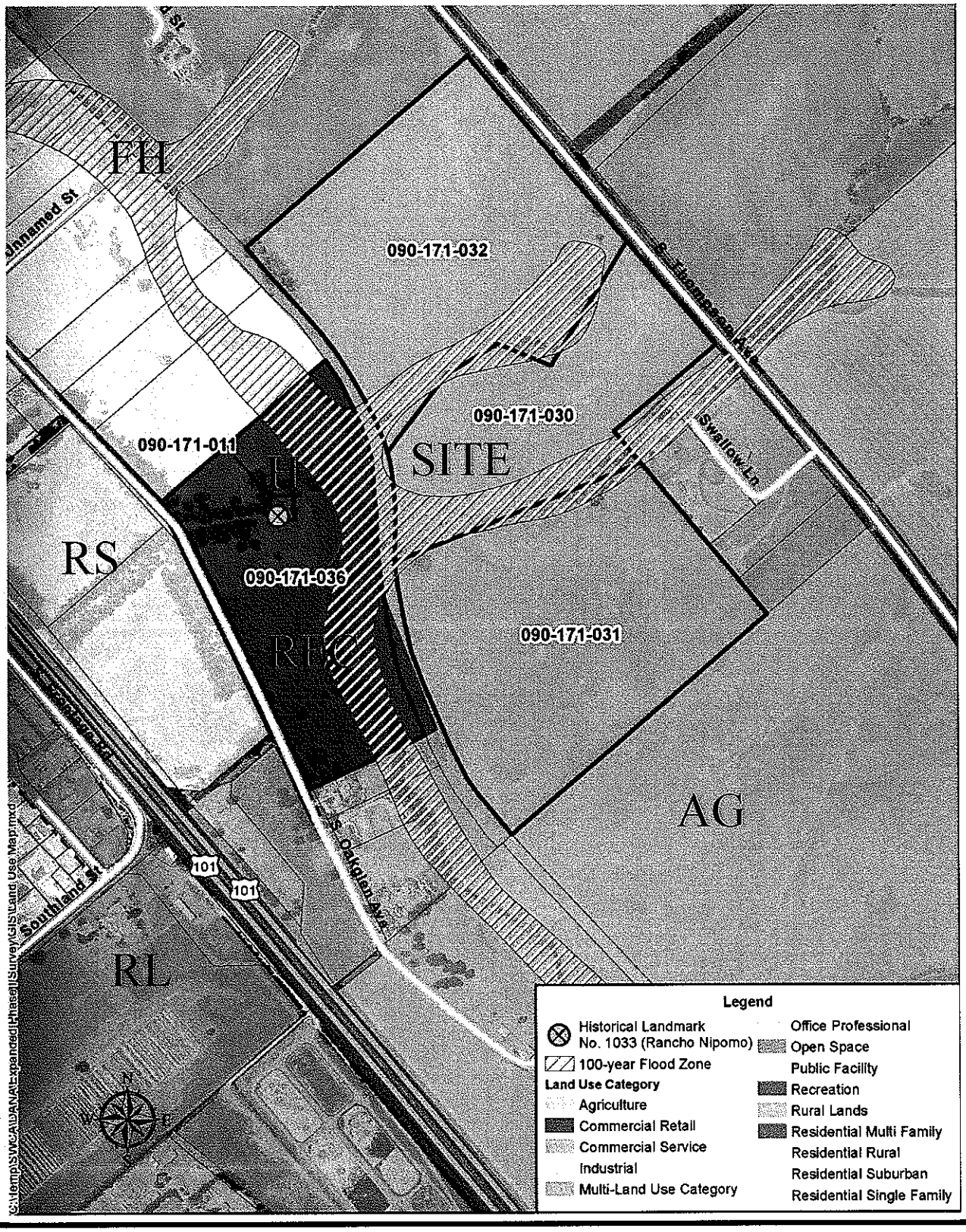
PROJECT

DANA LUO Amendment and CUP
LRP2011-00001 / DRC2011-00042

EXHIBIT

Site Vicinity

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

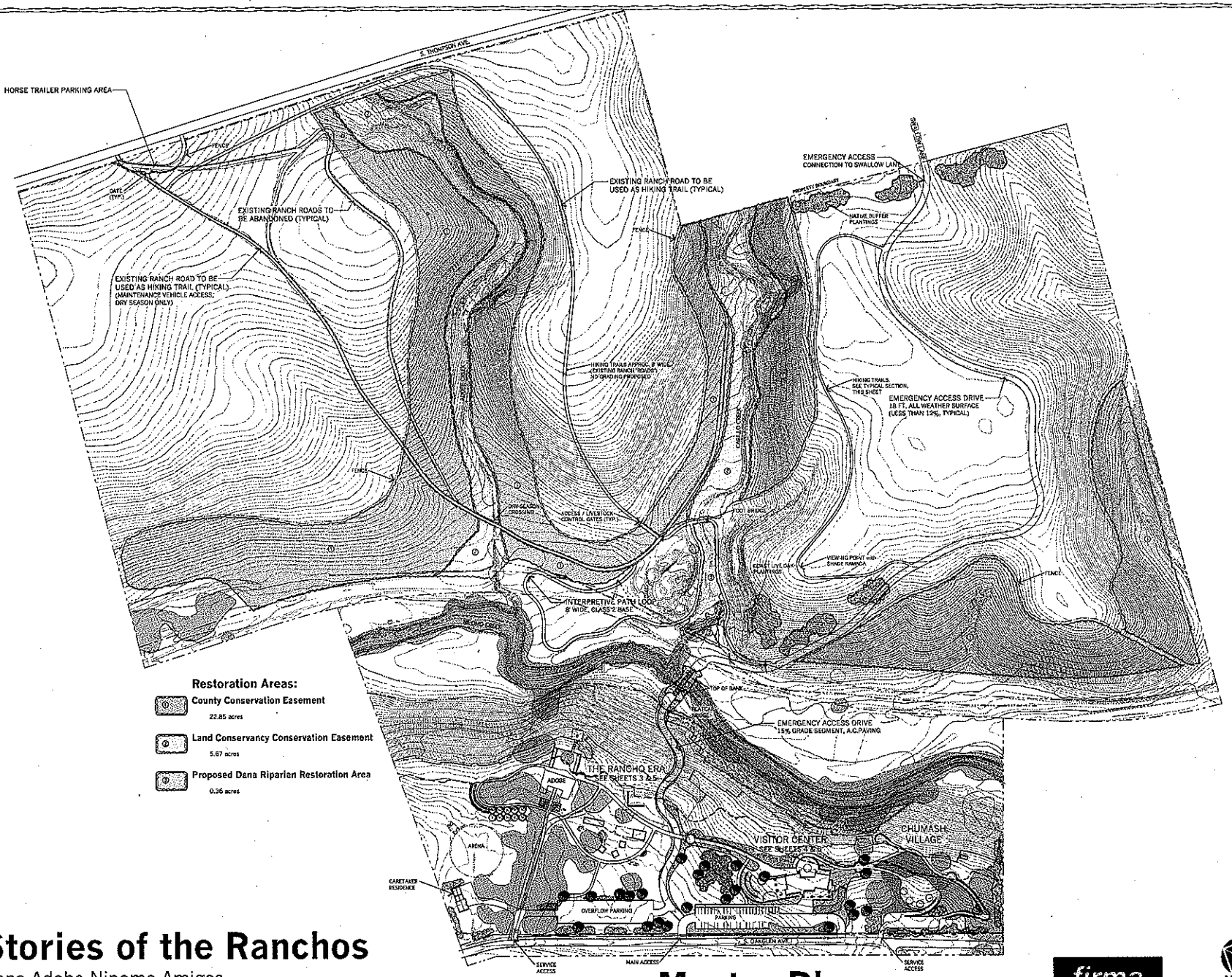


PROJECT

DANA LUO Amendment and CUP
LRP2011-00001 / DRC2011-00042

EXHIBIT

Land Use Category



Stories of the Ranchos

Dana Adobe Nipomo Amigos

Master Plan

firma

North

Scale: 1" = 100'-0"

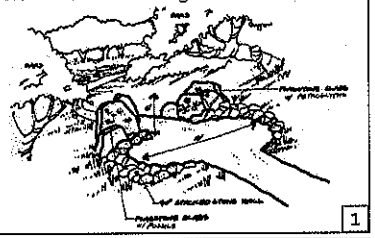
0 25'-0" 100' 200' 300' 400'

2

November 10, 2011

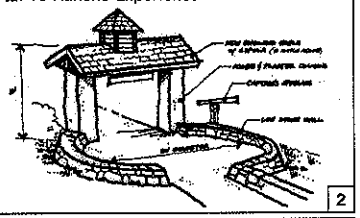
Typical Site Elements:

Portal To Chumash Village



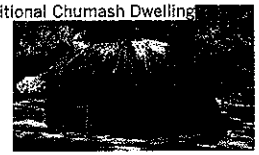
1

Portal To Rancho Experience



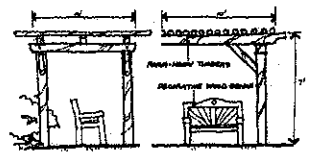
2

Traditional Chumash Dwelling



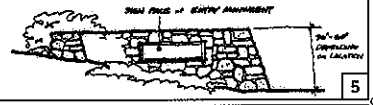
3

Shade Ramada



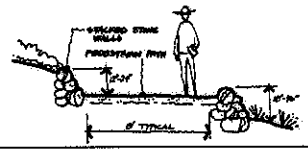
4

Freestanding Stone Walls
Entry Sign, Amphitheater, Terrace

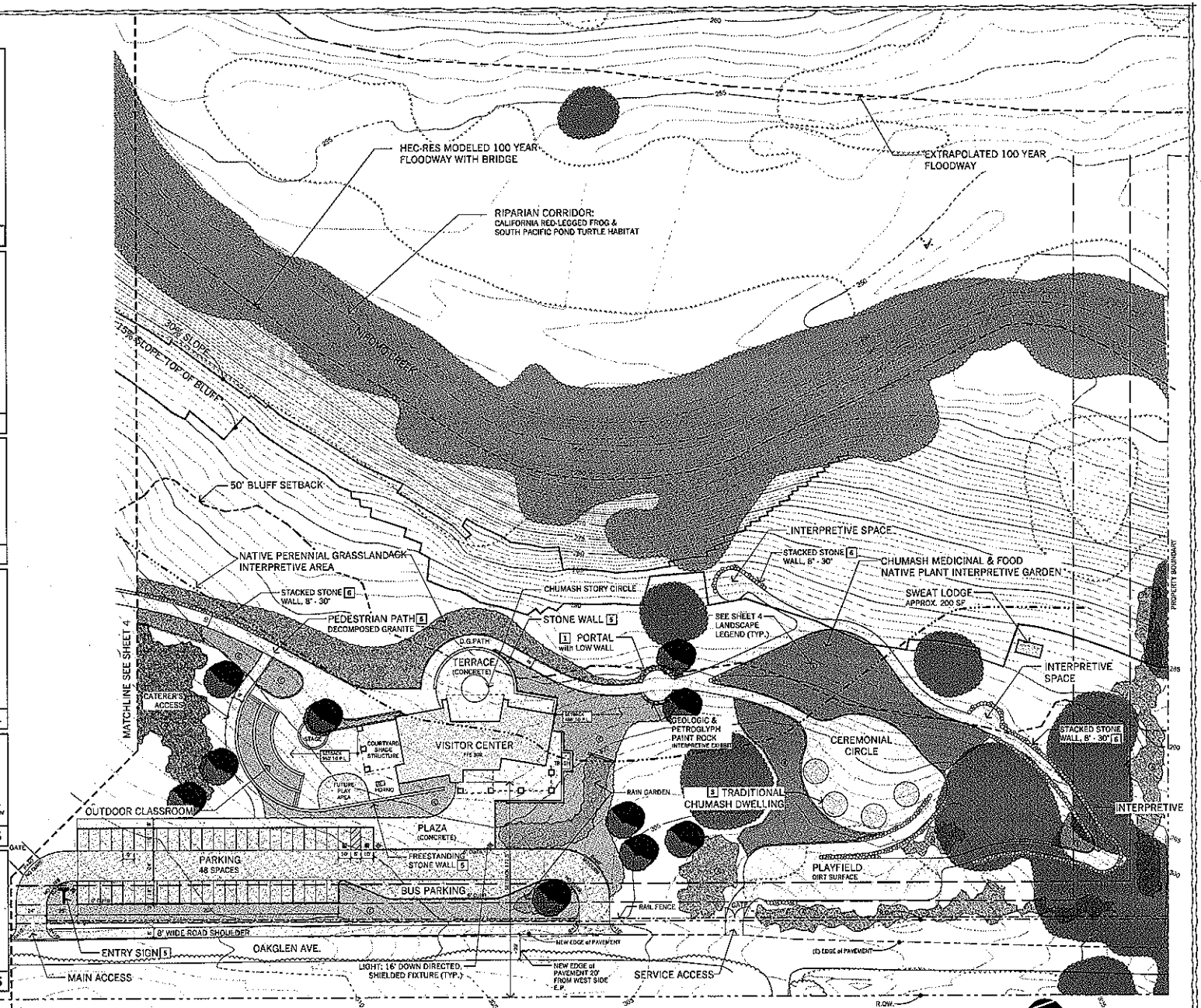


5

Pedestrian Path and Stacked Stone Walls



6



Stories of the Ranchos

Dana Adobe Nipomo Amigos

Site Plan

Visitor Center & Chumash Village

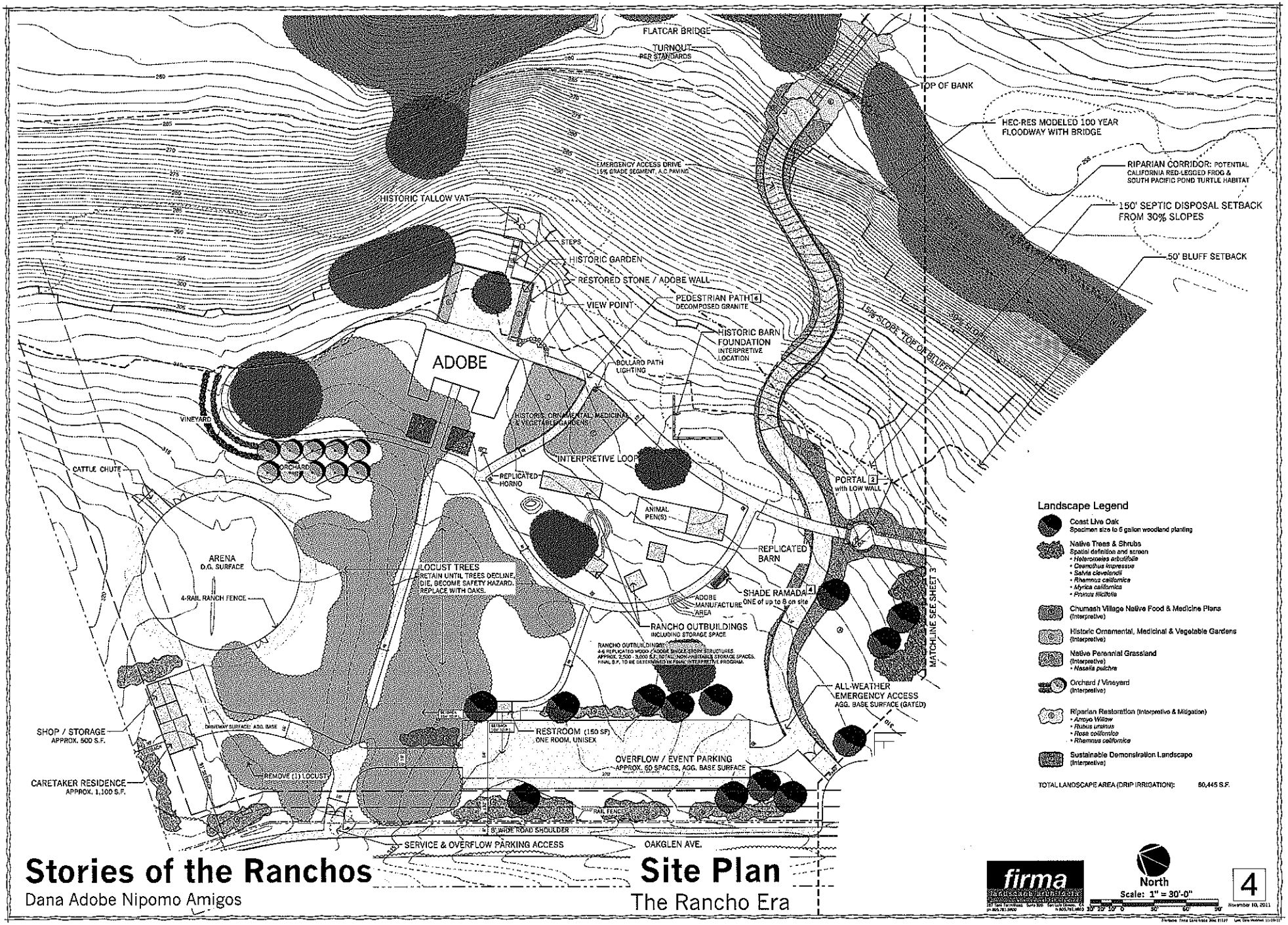
firma landscape architecture

North

Scale: 1" = 30'-0"

3

November 10, 2011



Stories of the Ranchos

Dana Adobe Nipomo Amigos

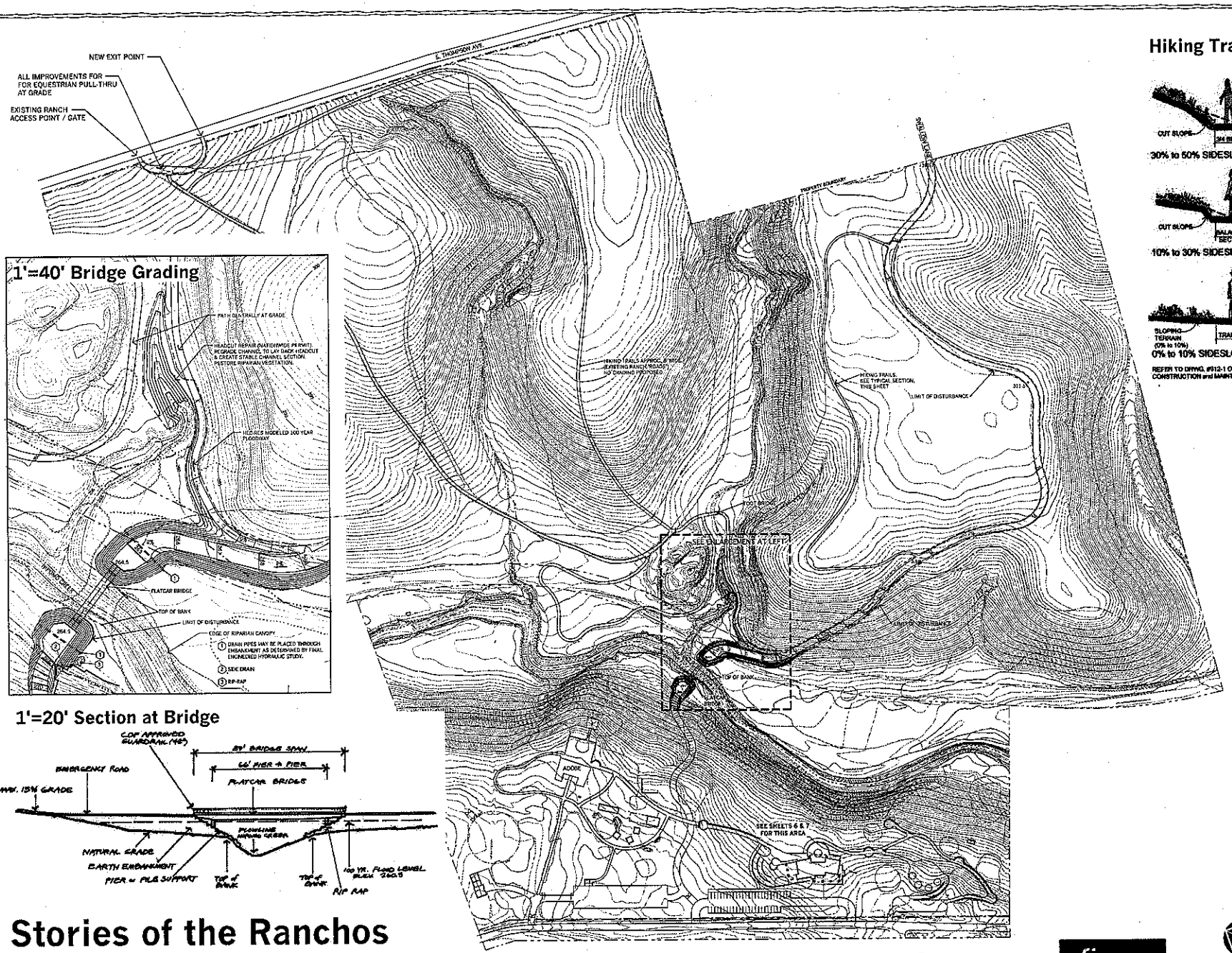
Site Plan

The Rancho Era

firma

4

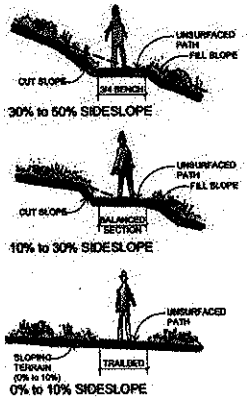
November 10, 2011



1'=40' Bridge Grading

1'=20' Section at Bridge

Hiking Trail Sections



REFER TO DRWG. #812-1 OF U.S.D.A. "STANDARD DRAWINGS for CONSTRUCTION and MAINTENANCE of TRAILS", DECEMBER 1996.

Stories of the Ranchos

Dana Adobe Nipomo Amigos

Preliminary Grading & Drainage

firma

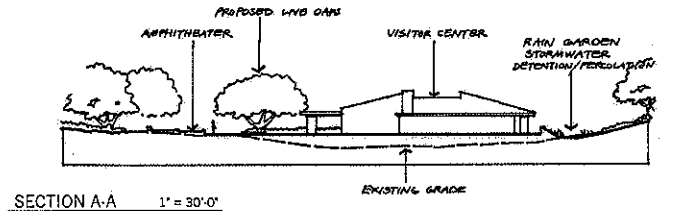
North

Scale: 1" = 100'-0"

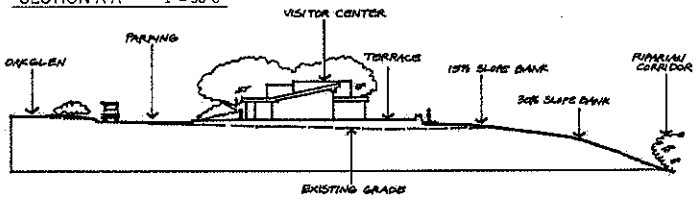
0 25 50 100 200 300 400

5

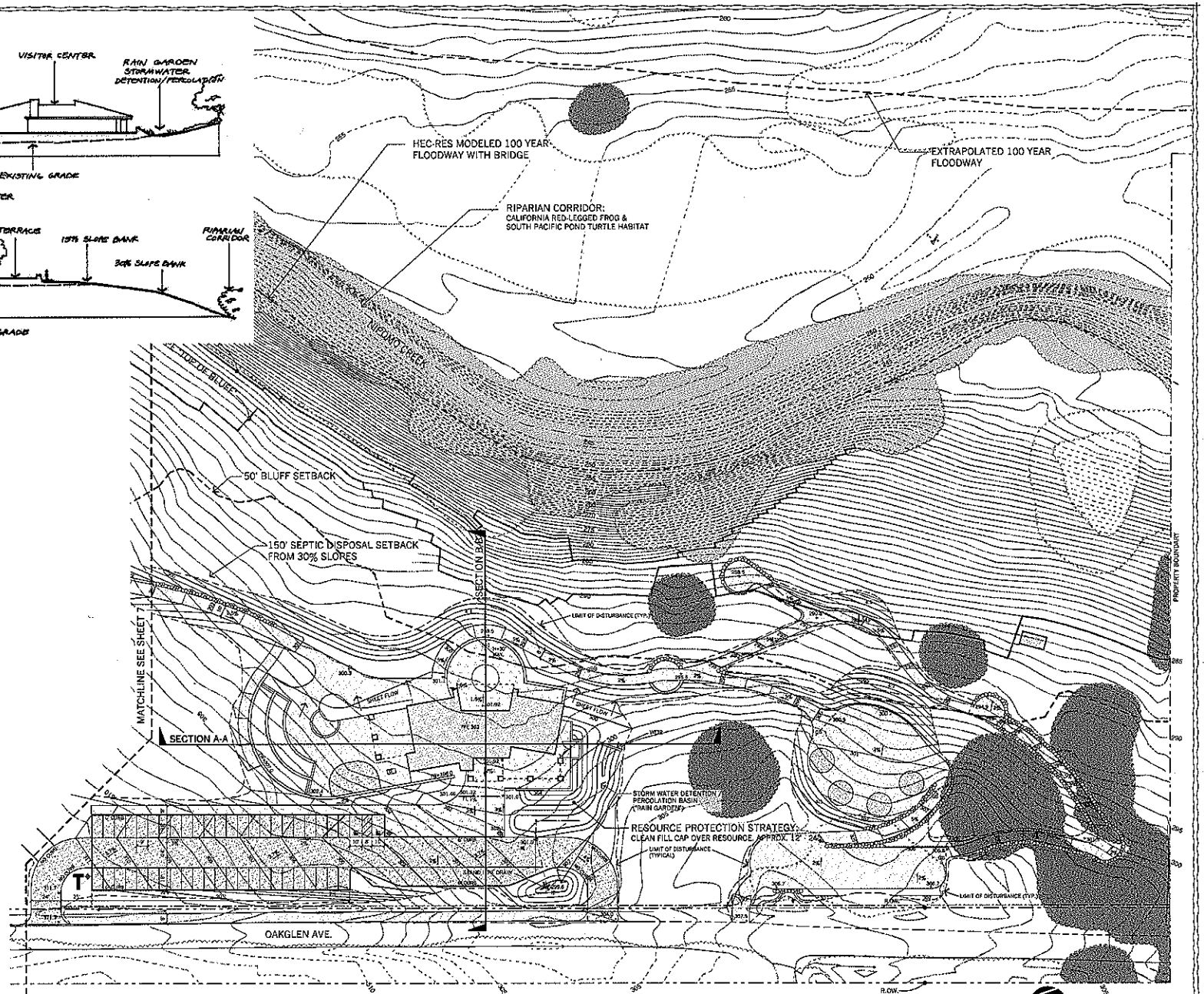
November 10, 2011



SECTION A-A 1" = 30'-0"



SECTION B-B 1" = 30'-0"



Stories of the Ranchos

Dana Adobe Nipomo Amigos

Preliminary Grading & Drainage

Visitor Center & Chumash Village

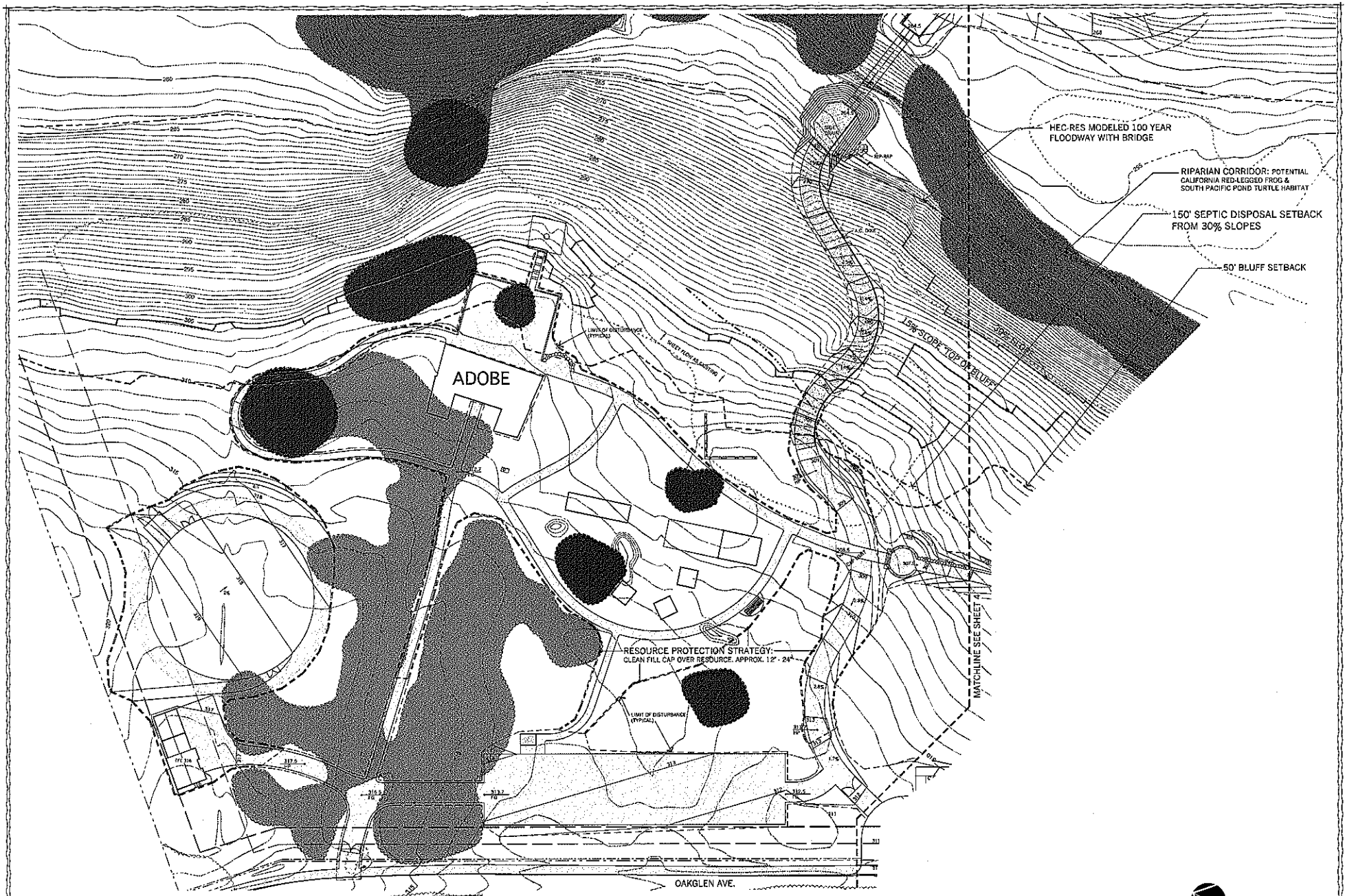
firma

North

Scale: 1" = 30'-0"

6

November 10, 2011



Stories of the Ranchos — Preliminary Grading & Drainage

Dana Adobe Nipomo Amigos

Visitor Center & Chumash Village

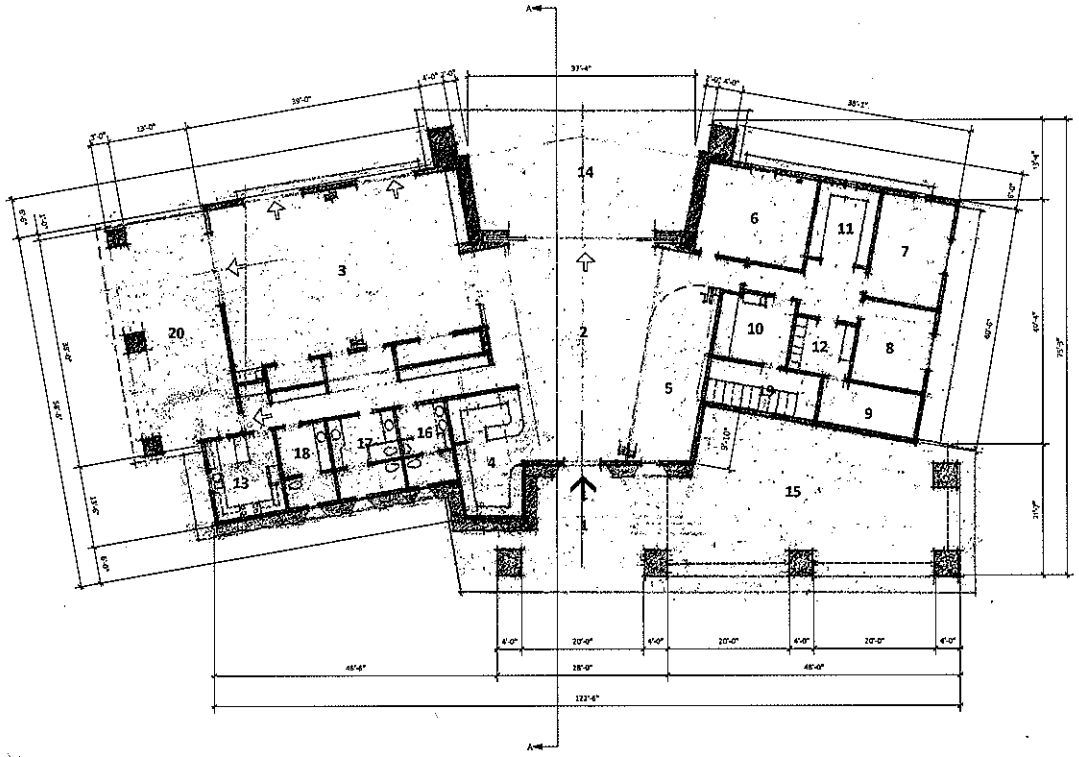
firma

North

Scale: 1" = 30'-0"

7

November 10, 2011



ROOM LEGEND

Number	Name	Size
1	Entry	20' x 18'
2	Gallery	26' (Ave.) x 36'
3	Classrooms	20' x 26'6 each
4	Bookshop	11' (Ave.) x 20'
5	Exhibit	10'6" x 28'
6	Multi Function	18' x 15'
7	Office 1	12' x 17'6"
8	Office 2	12' x 15'6"
9	Storage	16' x 9'
10	Curation 1	12' x 11'
11	Work / Copy	10' x 12'6"
12	Docent	10' x 8'6"
13	Kitchen	11'6" x 13'
14	Covered Outdoor Space 1	37' (Ave.) x 20'
15	Future Conference & Curation	48' x 25' (ave.)
16	Men's Restroom	8' x 13'
17	Women's Restroom	11' x 13'
18	Bride's Dressing & Restroom	8' x 13'
19	Curation 2	18' x 9'
20	Covered Outdoor Space 2	18'6" x 36'

Stories of the Ranchos

Dana Adobe Nipomo Amigos

FLOOR PLAN

FOOTPRINT: 5,300 s.f.

FUTURE EXPANSION: 966 s.f.

firma
Steven Puglisi
ARCHITECTURE
583 Dana Street, San Luis Obispo, Ca 93401
Phone: 805.595.1980 Fax: 805.595.1980

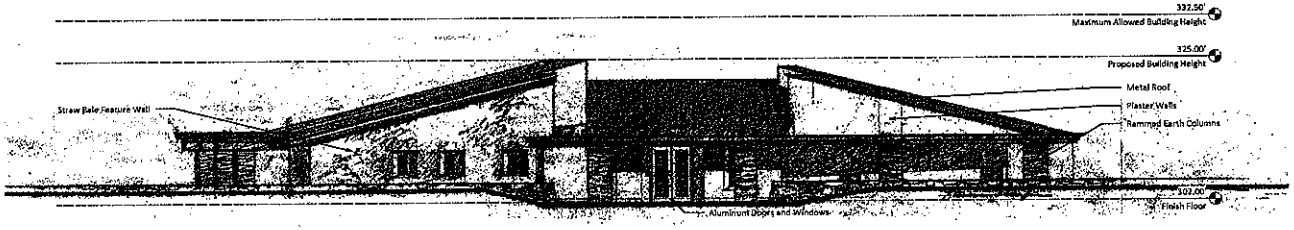
Scale: 1/8" = 1'-0"

4' 0 2' 4' 8' 16'

North

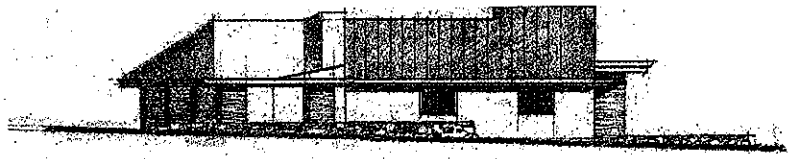
9

October 21, 2021

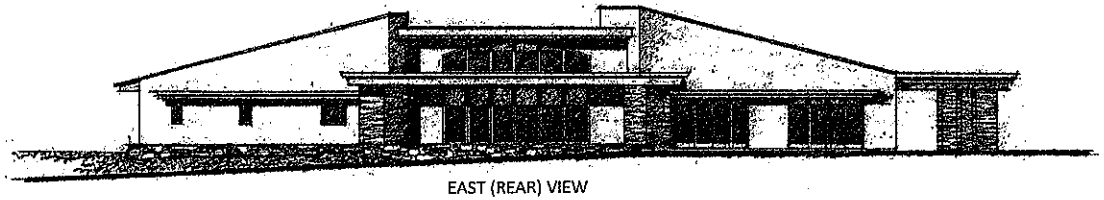


WEST (FRONT) VIEW

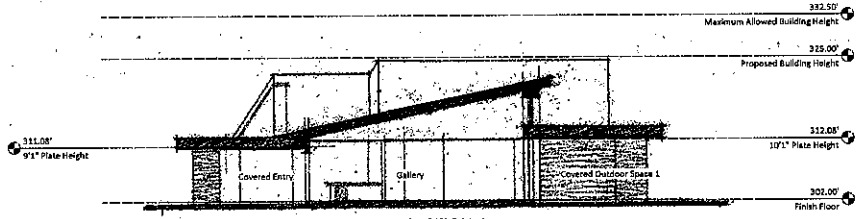
NORTH VIEW



SOUTH VIEW



EAST (REAR) VIEW



SECTION A

MAXIMUM BUILDING HEIGHT ALLOWED

Average Natural Grade	297.50
Maximum Height Above Grade	35.00
Maximum Building Height Allowed	**332.50**

PROPOSED BUILDING HEIGHT

Finish Floor	302.00
Plate Height	11.00
Roof Truss Height (39'0" @ 3:12)	9.75
Roof Framing Section	2.00
Roof Sheathing & Roofing	0.25
TOTAL PROPOSED BUILDING HEIGHT	**325.00**

Stories of the Ranchos

Dana Adobe Nipomo Amigos

EXTERIOR ELEVATIONS

firma
Steven Puglisi
ARCHITECTURE
383 Dana Street, San Luis Obispo, Ca 93401
Phone: 805.595.1980 Fax: 805.595.1980

Scale: 1/8" = 1'-0"

4' 0 2' 4' 8' 16'

10

October 21, 2011

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director
County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: December 8, 2011

To: Brian Pedrotti, South County Team Planner

From: Tim Tomlinson, Development Services Engineer

Subject: Public Works Project referral for DRC2011-00042 – Dana Adobe Nipomo Amigos, Master Plan for the Dana Adobe. Oakglen Avenue, Nipomo APN 090-171-011 etc.

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR PUBLIC WORKS REVIEW AND COMMENT:

1. Please have the applicant provide a Traffic Engineers Report addressing, at a minimum:
   a. Evaluation of event traffic impacts, circulation and recommended mitigations.
   b. Center left turn lane evaluation for the proposed access driveways off Oakglen Avenue.
2. In accordance with Land Use Ordinance, Section 22.10.155, the proposed project is considered a Priority Project and required to submit a Stormwater Quality Priority Project Application with the project application: http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/stormwaterapp.pdf

Public Works Comments:

A. The project meets the applicability criteria outlined in Title 22.10.155 or Title 23.04.450 for Stormwater Management; therefore, the project may be subject to the NPDES General Permit Attachment 4 Design Standards.

B. The proposed project is within the **South County Road Improvement Fee Area 1**. Road Improvement Fees must be paid prior to building permit issuance.

C. The proposed project is within a drainage review area and includes a 100 year flood hazard area within its boundaries.

D. It is recommended that the proposed project be designed to promote groundwater recharge (22.52.140) by application of LID design. Techniques to mitigate the proposed impervious parking and building areas should be implemented.

E. Drainage and Flood Hazard plans are required and will be reviewed at the time of Building Permit submittal. The applicant should review Chapters 22.52.110 and 22.14.060 of the Land Use Ordinance prior to plan submittal.

F. Dana Adobe should address the waste and recycling collection and container storage for visitors and staff. The Adobe's consultants can contact the garbage company servicing that area to discuss the type and size of containers, the placement of them and the collection schedule. The company can send out a representative to discuss this so service can be well planned for the specific site. The company can be reached at 805-486-4246

Recommended Project Conditions of Approval:

Roads

1. Street plan and profile for widening **Oakglen Avenue** to complete the project side of an A-1 rural street section fronting the property. All proposed driveways shall be constructed in accordance with County Standard B-1 series drawings.

Fees

2. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code the applicant shall be responsible for paying to the Department of Public Works the South County Area 1 Road Fee for future building permits in the amount prevailing at the time of payment.

Drainage

3. **At the time of application for construction permits,** the applicant shall submit complete drainage and or Flood Hazard plans for review and approval in accordance with Sections 22.52.110 (Drainage Plan Required) and 22.14.060 (Flood Hazard Area) of the Land Use Ordinance.

4. **At the time of application for construction permits,** the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

5. **At the time of application for construction permits,** the applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMP's as identified for project incorporation in the applicant's *Stormwater Quality Plan Application for Priority Projects.*

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

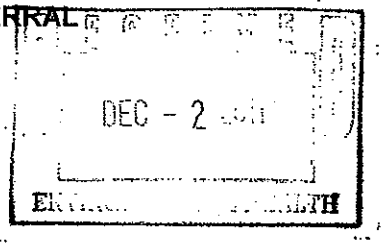
Recycling

7. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL



DATE: 11/28 /2011

TO: Env. Health

FROM: Brian Pedrotti, South County Team

PROJECT DESCRIPTION: DRC2011-00042 DANA ADOBE NIPOMO AMIGOS- Conditional use permit for the master plan for the Dana Adobe. 130 acre site located off South Oakglen Ave. in Nipomo. Project includes 6,266 sf visitor center on 30 acres. APNs: 090-171-011-, 036, 030, 031 and 032.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

If the catering kitchen" will be used to provide food to the public then it must be constructed to H&S code standards & must obtain a health permit.

12/15/11 (Date) | (Name) | X5551 (Phone)

COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Weights and Measures
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
(805) 781-5910 • FAX (805) 781-1035
Martin Settevendemie
Agricultural Commissioner/Sealer
www.slocounty.ca.gov/agcomm
AgCommSLO@co.slo.ca.us

DATE: **March 26, 2012**

TO: **Brian Pedrotti, Project Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Dana Adobe Conditional Use Permit DRC2011-00042 (16)**

The Agriculture Department's review finds that the proposed Dana Adobe Conditional Use Permit for a master planned visitor/interpretive center on a 130 acre project site will have less than significant impacts to agricultural resources or operations. The Department recommends the following conditions to maximize the availability of water for agricultural production, to minimize runoff, and to maximize groundwater recharge:

- Minimize lawn/turf areas and irrigated landscaping, and require all landscaped areas to be drip irrigated. This measure minimizes non-agricultural water use and helps to protect groundwater resources for agricultural production.
- Maximize the use of pervious and semi-pervious areas in order to promote groundwater recharge, minimize erosion and sedimentation and protect farmland for agricultural use.

Comments and recommendations are based on policies in the San Luis Obispo County Agriculture Element, Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating to the extent feasible the negative impacts of development to agriculture.

If you have questions, please call 781-5914.

Project Description and Agricultural Setting

The project site is located between South Oakglen and Thompson Avenue, in southern Nipomo. The 130 acre site is located within both the Recreation and Agriculture land use categories. Proposed visitor serving development is concentrated on the 30-acre Recreation portion of the project site that is naturally divided from the surrounding agricultural areas by an extensive riparian area. The area designated Agriculture is limited to interpretive trails along existing internal roadways and a parking/staging area located immediately off Thompson Avenue. The trails will have controlled access and do not interface with adjacent agricultural operations. The majority of the Agriculture portion of the site will be used for agricultural production that compliments the interpretive objectives of the project.

The properties to the northeast and southeast continue to be used for agriculture production. The area currently supports irrigated vegetable production, dry farm grains, and cattle grazing.

Impacts to Agricultural Resources

The proposed development would result in the development of a visitor/interpretive center and trails on an approximately 130 acre project site. The project has been designed to be compatible with surrounding agricultural uses by locating proposed development an adequate distance from off-site agricultural resources/operations and interpretive trails along existing internal roadways away from adjacent agricultural uses consistent with AGP 18 – Location of Improvements. Impacts to agricultural resources will be less than significant; however, the Department recommends the following conditions to maximize the availability of water for agricultural production, to minimize runoff, and to maximize groundwater recharge:

- Minimize lawn/turf areas and irrigated landscaping, and require all landscaped areas to be drip irrigated. This measure minimizes non-agricultural water use and helps to protect groundwater resources for agricultural production.
- Maximize the use of pervious and semi-pervious areas in order to promote groundwater recharge, minimize erosion and sedimentation and protect farmland for agricultural use.

CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org

Robert Lewin, Fire Chief

COMMERCIAL
FIRE PLAN REVIEW

December 16, 2011

Subject: DRC2011-00042 Dana Adobe Nipomo Amigos

To: Brian Pedrotti, South County Team

I have reviewed the Condition Use Permit for the master plan for the Dana Adobe Nipomo Amigos project located on a 130-acre site at 671 South Oakglen Avenue in Nipomo, California. The project is in State Responsibility Area within a moderate fire hazard severity zone with a 5- minute response time from the nearest County Fire Station. The project and applicant shall comply with the 2010 California Fire Code (CFC), the 2010 California Building Code (CBC), the Public Resources Code (PRC) and any other applicable fire laws.

Roof Coverings:
The roof type will have to be consistent with the requirements of Chapter 1505 of the 2010 CBC and no less than a Class "C" roof.

Roof Access:

- All buildings over 18 feet in height will have fixed laddering at two exterior remote locations or provide landscaping which reduces the ladder access height to 18 feet. The exception to this requirement is if the building has a protected stairway to the roof.

Fire Flow Requirements within a Community Water System:
A commercial water system shall be required with fire flows meeting the standards of CFC Article 5 and Appendix B. The minimum main size shall not be less than 6 inches. Pressures may not be less than 20 psi or more than 150 psi. The Plans for the entire system should be submitted to the County Fire Department.

Water Supply Connection:
This project will require the installation of new pressurized fire hydrants. Fire hydrants are to be located as outlined in Chapter 5 & Appendix C of the 2010 CFC. Plans shall be submitted to the County Fire Department for approval of the distribution system and hydrant locations. Fire hydrants shall have two, 2 ½ inch outlets with National Standard Fire threads and one 4 inch suction outlet with National Standard Fire threads and comply with County Standard W-1. Each hydrant shall be identified by a blue reflective dot located on a non-skid surface located just off of center on the fire hydrant side. Hydrants must be protected from vehicle impact with the use of curbing or bollards.

Fire Protection Systems:
A Fire Alarm System is required as outlined in CBC Section 907 & County Code 19.20.019(b) for all buildings over 2000 sq. ft. The alarm system shall comply with NFPA 72. The alarm system shall terminate at a 24-hour monitoring point (CFC Section 907). Three sets of plans shall be submitted to the County Fire Department for approval.

This project will require a commercial fire sprinkler system in all **new** buildings. The existing "Adobe" shall be exempted from having a fire sprinkler system but shall have both heat and smoke detectors installed and are to be monitored by the projects fire alarm system. The type of sprinklers required will depend on the occupancy type and must comply with NFPA 13, 20, 22. The applicant will have to identify what Hazard Class the project is for review by the fire department (exp. Ordinary Hazard Class II), for each of the buildings in the project. Three sets of plans and calculations shall be submitted for functional review and approval to the County Fire Department. The contractor shall be licensed by the State of California, CFC 903. A licensed alarm company shall monitor the fire sprinkler and alarm system. The fire department connection (FDC) supporting the sprinkler systems shall be located within 20 feet of a County standard hydrant and visible on fire engine approach to the building. A letter from the monitoring company shall be submitted to the County Fire Department verifying service.

Technical Report:
A Fire Protection Engineer shall review the Fire Protection Systems for this project. A list of Fire Protection Engineers is available on our website at http://www.calfireslo.org. The Fire Protection Engineer will require that you provide working plans as outlined in NFPA 13, 14.1 (2002). The Fire Protection Engineer will be required to send an original letter of their project review when completed, including all changes needed.

Portable Fire Extinguishers:
Portable fire extinguishers shall be installed in all the occupancies in compliance with the CFC 906 and Title 19. The contractor shall be licensed by the State Fire Marshal.

Exiting:
All egress and exiting requirements shall comply with the California Building Code to provide egress from the building to the public way.

Building Set Backs New Buildings:
A minimum 30-foot setback shall be provided from all property lines, PRC 4290, Section 1276.01.
Note: Setbacks are subject to County Planning Department approval.

Commercial Access Road South Oakglen Avenue entrances:
- A commercial access road must be 20 feet wide.
- Parking is only allowed where an additional 8 feet of width is added for each side of the road that has parking.
- "No Parking - Fire Lane" signs will be required.
- Fire lanes shall be provided as set forth in the California Fire Code Section 503.
- Fire access shall be provided within 150 feet of the outside building perimeter.
- Must be an all weather non-skid paved surface.
- All roads must be able to support a fire engine weighing 40,000 pounds.
- Vertical clearance of 13'6" is required.

Secondary Access Driveway to Swallow/Thompson Avenue:

- A secondary access driveway from Oakglen Avenue to Swallow Lane must be 18 feet wide.
- "No Parking – Fire Lane" signs will be required.
- Must be all weather non-skid paved surface.
- Must be able to support a fire engine weighing 40,000 pounds.
- Vertical clearance of 13'6" is required.
- A 10-foot wide "railcar" bridge will be allowed to cross Nipomo Creek.
- The bridge is required to support a fire engine load weight of 20 tons.
- The bridge must have a sign indicating load & vertical clearance limits at entrances.
- The bridge must have a turnout at both ends and have clear visibility.
- Gates must be locked open anytime there is the potential to have 50 or more people on the property.

Gates:

- Must be setback from the road 30 feet from the intersection.
- Must automatically open with no special knowledge.
- Must have a KNOX key box or switch for fire department access. Call the Prevention Bureau for an order form at (805) 593-3429.
- Gate shall have an approved means of emergency operation at all times. CFC 503.6
- Gate must be 2 feet wider than the road on each side.
- Gates must have a turnaround located on each side of the each gate.

Addressing:

Address numbers must be legible from the roadway and on all buildings. They shall be on a contrasting background and a minimum of 8 inches high with a ½" stroke. A monument sign displaying the location of all buildings in the complex must be displayed in a prominent location at the entrance to the facility. CFC 505.1 Streets and roads shall be identified with approved signs. CFC 505.2

Trails:

All trails shall have signage to identify whereabouts of visitors in the event of emergency. The signage will be placed so visitors can describe their location to emergency responders.

Emergency Access:

All commercial buildings shall install a Knox key box for fire department emergency access. The box shall be installed prior to final inspection of the building. An order form is available from the Prevention Bureau, call for more information at (805) 593-3429.

Defensible Space and Construction Type:

Each building site will be built with a "Defensible Space." Public Resource Code 4291 requires all structures to provide a 100 foot clearance free of flammable vegetation around all structures. This project must comply with the 2010 California Building Code Chapter 7A "Materials and Construction methods for exterior wildfire exposure." Building sites should be located so that the structure is not directly above or below a topographic "chimney." All landscaping should be of fire resistive plants, preferably natives.

A Wildland Fire/Vegetation Management Plan must be developed and approved by CDF.

Building Signage: All interior & exterior doors providing access to fire protection or building systems shall be labeled. Examples: electrical, fire alarm control panel, fire riser, standpipes, test valves, roof access etc. The signs shall be a minimum size of 12" x 12" with characters at least 1-inch high in block lettering with a minimum of ¼" stroke. The lettering shall be of a contrasting color to the sign background.

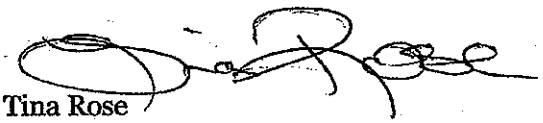
Fire Safety during Construction:
Prior to construction, an operational water supply system and established access roads must be installed. CFC Section 503.1 & 508. During construction all applicable Public Resources Codes must be complied with to prevent a wildfire. These will include the use of spark arresters, adequate clearance around welding operations, smoking restrictions and having extinguishers on site. The Industrial Operations Fire Prevention Field Guide will assist the applicant and can be found at the following website:
http://cdfdata.fire.ca.gov/fire_er/fpp_engineering_view?guide_id=12

Special Events:
No special events will be allowed until the completion of the "secondary access driveway" to Swallow/Thompson Avenue. All special events shall be approved by the County Fire Department 30 days in advance. A list of Special Events should be submitted each year. The applicant must submit a site plan, a description of the events, the number of anticipated participants, measures taken to mitigate the impact of the events on public safety and a written emergency plan for medical aids, injuries, structure fires, wildland fires and other emergencies. The buildings which will be used for special events must be identified during plan review as they may impact the occupancy classification, thus changing the building requirements. No special events will be allowed in buildings designed for other uses, such as stables and barns unless the building is in full compliance of all requirements for assembly occupancy type. The County Fire Department will review the submitted plans and make comments and necessary requirements.

Emergency Plans:
A written emergency plan will be developed and written for medical aids, structure fires, wildland fires and other types of emergencies. This plan should include an inventory of equipment and its location, trained personnel and their responsibilities, evacuation procedures of buildings, trails and other facilities, identification of safe refuge areas, facility evacuation and any other pertinent information. The plan should include a site map. NFPA 299 Chapter 10, NFPA 1620

If I can provide additional information or assistance on this mater, please don't hesitate to contact me at (805) 543-4244.

Respectfully,



Tina Rose
Fire Inspector

C: SLO County – Shaun Cooper
Marina Washburn
Jan Di Leo

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN MSL
GENERAL MANAGER

DATE: DECEMBER 9, 2011

AGENDA ITEM
E-2
DECEMBER 14, 2011

REVIEW DANA ADOBE NIPOMO AMIGOS PROJECT WATER USE PROJECTION

ITEM

Review Dana Adobe Nipomo Amigos (DANA) Project Water Use Projection [RECOMMEND REVIEW INFORMATION AND DIRECT STAFF]

BACKGROUND

In April 2011, DANA received a grant of $2.9 million to design, permit and construct Stories of the Rancho Project (Project). The County General Plan restricts development along South Oakglen Avenue. DANA is seeking revision to the applicable sections of the General Plan to allow the Project to move forward.

DANA receives potable water service from the District under an Outside Users Agreement (Attached). As an Outside User, DANA pays double the stand-by and use rates of regular District customers. The District and the DANA Project are located within the Nipomo Mesa Water Conservation Area as established by County Ordinance 3090. Ordinance 3090 prohibits General Plan Amendments that increase non-agricultural water demand more than the amount otherwise available based on the land uses possible under the current County General Plan within the Nipomo Mesa Water Conservation Area.

The District requested DANA provide a water use projection for the proposed project (see attached). District review of the water use projection indicates that the projections are prepared in accordance with industry professional standards of practice and District requirements. The proposed project is estimated to require an equivalent amount of water as currently permitted by the District's Water Service Limitations if the parcels were developed as residential. Thus it appears that the project will not increase non-agricultural water demand more than the amount otherwise available based on the land uses possible under the current County General Plan.

FISCAL IMPACT

Minor budgeted staff time was utilized to prepare these materials.

RECOMMENDATION

Staff recommends that the Board receive staff's presentation, consider the draft comment letter, suggest edits and revisions, and by motion and roll call vote, direct staff to provide the comment letter for the project to the County.

ATTACHMENTS

- DANA Outside Users Agreement
- DANA Water Use Projection
- Draft Comment Letter

MEMORANDUM OF ASSIGNMENT OF WATER SERVICE AGREEMENT DANA ADOBE

San Luis Obispo County Historical Society ("Assignor" or "SLOCHS") and the Nipomo Community Services District ("NCSD") enter into this Memorandum of Assignment ("Memorandum of Assignment") of a Water Service Agreement for the benefit of the Dana Adobe located at 671 S. Oakglen Avenue, Nipomo, California, with reference to the following Recitals:

RECITALS

A. On or about June 5, 1972, NCSD and SLOCHS entered into an agreement ("Agreement") whereby the NCSD agreed to provide the Dana Adobe water from the NCSD water system for the use of the Dana Adobe. Said Agreement is attached hereto as Exhibit "A" and incorporated herein by reference as though set forth at length (herein "Agreement").

B. SLOCHS desires to transfer, or has transferred, the Dana Adobe to Dana Adobe Nipomo Amigos, a non-profit corporation, ("DANA" or "Assignees").

C. Section 7 of the Agreement provides as follows:

"Neither party shall assign this Agreement or any rights thereunder without the prior written consent of the other party".

D. The parties enter into this Memorandum of Assignment for the purposes of acknowledging the NCSD's consent to the assignment of the Agreement from SLOCHS to DANA.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. Incorporation of Recitals

Recitals A through D are incorporated herein by reference as though set forth at length.

2. Assignment to DANA

Pursuant to Paragraph 7 of the Agreement, SLOCHS requests the NCSD's consent to the assignment of the Agreement to DANA.

3. NCSD's consent

On January 14, 2004, the NCSD, at its regularly scheduled meeting, approved the Assignment and instructed District Legal Counsel to prepare an agreement acknowledging NCSD's consent.

4. Incorporation of Agreement

The terms and conditions of the Agreement are incorporated herein by reference.

5. Successors and Assigns

This Memorandum of Assignment shall bind and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject, however, to the provisions of the Agreement.

6. Governing Law

This Memorandum and the Agreement are governed by California law .

Executed as of the date referenced below at Nipomo, California, County of San Luis Obispo, State of California.

ASSIGNOR: SLOCHS

San Luis Obispo Historical Society

By: John Schutz
(Print Name)

Date: July 2, 2004

ASSIGNEE: DANA

Dana Adobe Nipomo Amigos

By: KATHY KUBIAK
(Print Name)

Date: JULY 6, 2004

////
////

CONSENT OF NCSD

Effective the date the real property known as the Dana Adobe is transferred to DANA and subject to the terms and conditions of this Memorandum of Assignment, NCSD consents to the Assignment of the Agreement to Assignee.

Executed the 6th day of July, 2004 in Nipomo, California, on behalf of the Nipomo Community Services District.

By: Michael Winn
Michael Winn, President
Nipomo Community Services District
Board of Directors

ATTEST:

Donna K. Johnson
Donna K. Johnson, Secretary
to the Nipomo Community Services District
Board of Directors

AGREEMENT

THIS AGREEMENT entered into this 5th day of June 1972, by and between the NIPOMO COMMUNITY SERVICES DISTRICT, a public corporation located in the County of San Luis Obispo, State of California, and hereinafter termed "District", and the SAN LUIS OBISPO COUNTY HISTORICAL SOCIETY, a non-profit corporation located in the County of San Luis Obispo, State of California, and hereinafter termed "Society":

WITNESSETH:

WHEREAS, Society operates the Dana Adobe located outside of the Nipomo Community Services District boundaries, and

WHEREAS, the Dana Adobe is a structure of outstanding historical significance in the County of San Luis Obispo and is open to the public for viewing, and

WHEREAS, the Dana Adobe has no water presently available to it, but has urgent need of water for sanitary purposes, and

WHEREAS, Nipomo Community Services District has water which it can make available to the Dana Adobe for said purposes, it is in the public interest that such be done, District has the legal power so to do, and there is no other source of water for the Dana Adobe than District.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises and agreements herein set forth, District

District and Society, the parties hereto, hereby mutually covenant and agree as follows:

1. That the above recitals are true and correct.

2. That District shall provide to Society water from the District water system for the use of the Dana Adobe, and Society shall pay District for said water pursuant to the duly established District water rates.

3. That Society shall pay for all costs of connecting the Dana Adobe to the District water system.

4. That the District shall install a water meter for the Dana Adobe in the County road right of way at the end of Districts ten (10) inch water main on Oak Glenn (a County road); provided, however, that Society shall pay District the cost of said meter, and Society shall pay District the regular District hook-up charge.

5. That Society shall at its own sole cost and expense install waterpipes from said meter to the Dana Adobe approximately 5/8 of a mile in said County road; provided that said waterpipes shall be the property of Society and shall be operated, maintained, repaired, replaced and enlarged by Society at its sole cost and expense.

6. That Society agrees that District has prior waterpipe and appurtenant facility rights in said County road where Society will install said waterpipes as stated hereinabove, and that District is not waiving said prior rights therein by this Agreement; therefore, Society agrees that if at

anytime in the future it is in the judgment of District in its interest to so do, District may install its own waterpipes and appurtenant facilities in said County road in said same area; and Society further agrees that in the above event, if at such time or any other time the relocation of the waterpipes or any portion thereof installed by Society pursuant to this Agreement is required, that Society will pay for the full cost of said relocation.

7. Neither party shall assign this Agreement or any rights thereunder without the prior written consent of the other party.

8. In the event that title to the Dana Adobe is transferred, either voluntarily or involuntarily, at any time, to any person, firm, corporation or entity, public or private, other than Society, then in that event this Agreement shall automatically terminate and be null and void; provided that in that event District may cease furnishing water to said Dana Adobe, and Society agrees that it is not acquiring any water rights by this Agreement.

9. This Agreement shall be binding on the successors and assigns of District and of Society.

IN WITNESS WHEREOF, District and Society have executed this Agreement on the day and year first hereinabove set forth.

NIPOMO COMMUNITY SERVICES DISTRICT

By: _____
President of the Governing Board
of said District

ATTEST:

_____
Secretary of the Governing Board
of said District

SAN LUIS OBISPO COUNTY HISTORICAL SOCIETY

By: _____
President of said Society

_____
Secretary of said Society

Hodge

Land Planning + Civil Engineering

This letter is to provide supporting analysis for the determination that the proposed Stories of the Ranchos Project CUP application Master Plan will not use more water than the amount otherwise available under NCSD ordinance based on the land uses possible today under the County Land Use Element.

The proposed project includes a Visitor Center, caretaker residence, and associated landscape. See attached Master Plan.

Under the General Plan, uses currently allowed are limited to those in the Residential Suburban Land Use category. The category allows secondary dwellings.

Water Demand Certification Requirement

Legal parcels:
090.171.036 (30.72 acres)
090.171.011 (0.253 acres / 11,025 s.f.)

NCSD Ordinance No. 2009-114 section 3.05.030 sets the residential water use limits by parcel size:
For parcels less than 12,768 s.f. the allocation is **0.40 AFY**
For parcels greater than 25,536 s.f. the allocation is 0.82 AFY and a secondary dwelling is allocated an additional 10%, yielding **0.90**

Therefore, based on the two Dana parcels with the assumption that a secondary dwelling is allowed on 090.171.036, the allocation would be **1.30 AFY** (0.40 + 0.90)

Estimated Water Demand

Visitor Center and freestanding restroom[1]. Calculations use 1 gallon per flush.

Staff: up to 10 persons for 6 hours daily, two uses per day, 312 days=6,240 gallons

Students: up to 2 busses per week with 75 students for 2 hour duration, 36 weeks (school year) and 0.33 students using the restrooms= 1,782 gallons

Regular visitors: up to 75 people per day, 312 days and 0.33 persons using restroom in 2 hour visit= 7,722 gallons

Events: up to 270 persons, twelve times a year, with 100% using restroom= 3,240 gallons

Total domestic demand for Visitor Center: 18,984 gallons X 1.15 added for interior miscellaneous use= 21,831 gallons per year or 0.07 AFY

[1] Domestic water use and visitor levels provided by Steven Puglisi Architecture and Dana Adobe Nipomo Amigos.

Caretaker Residence

Per NCSD ordinance, the allocation is 0.28 AFY for multi-family / apt size caretaker residence including irrigation demand. Landscape for other areas is accounted for separately below.

Landscape Irrigation Demand[2]

Calculations are attached using the State Water Efficient Landscape Ordinance template and factors, prepared by Firma. Native plants using plant factor of 0.1, with the interpretive garden using a plant factor of 0.3. (Turf is a factor of 0.6, no turf is proposed).

Irrigation method is drip. Individual oak trees and orchard trees do not fit the template so a factor has been added to the total to account for miscellaneous individual plants.

WELO Estimated irrigation water budget: 0.83 AFY
Miscellaneous individual tree factor: 0.10%

Total: 297,689 gallons or 0.93 AFY

Total CUP Master Plan water demand:

Visitor Center:	0.07 AFY
Caretaker Residence:	0.28 AFY
Landscape:	0.93 AFY
Total:	**1.28 AFY**

CONCLUSION

Based on the factors presented compared to the ordinance established water demand certifications for the land uses permitted under the General Plan, the proposed Master Plan would use 0.02 AFY less than the allocation.

[2] Landscape irrigation water demand provided by Firma, David Foote ASLA, see attachment

Stories of the Ranchos Project - Dana Adobe
Nipomo CA
Firma
October 20, 2011

Estimated Total Water Use (ETWU) using State Model Water Efficient Landscape Ordinance Method

TO CALCULATE MAWA - Maximum Applied Water Allow		
ETo	47.4	
LA	56,870	
SLA	0	
MAWA (Gallons)		1,169,907
MAWA (inches per sq.ft.)	33.0	
MAWA (inches per DAY)	0.09	

DEFINITIONS	
ETo	Reference provided in Appendix A - CIMIS
LA	Landscaped area
SLA	Special landscaped area WITHIN the landscaped area
P.F.	Plant water use factor- WUCLOS
H.A.	Hydro zone area = Irrigated area
I.E.	Irrigation efficiency. Must exceed 0.71.

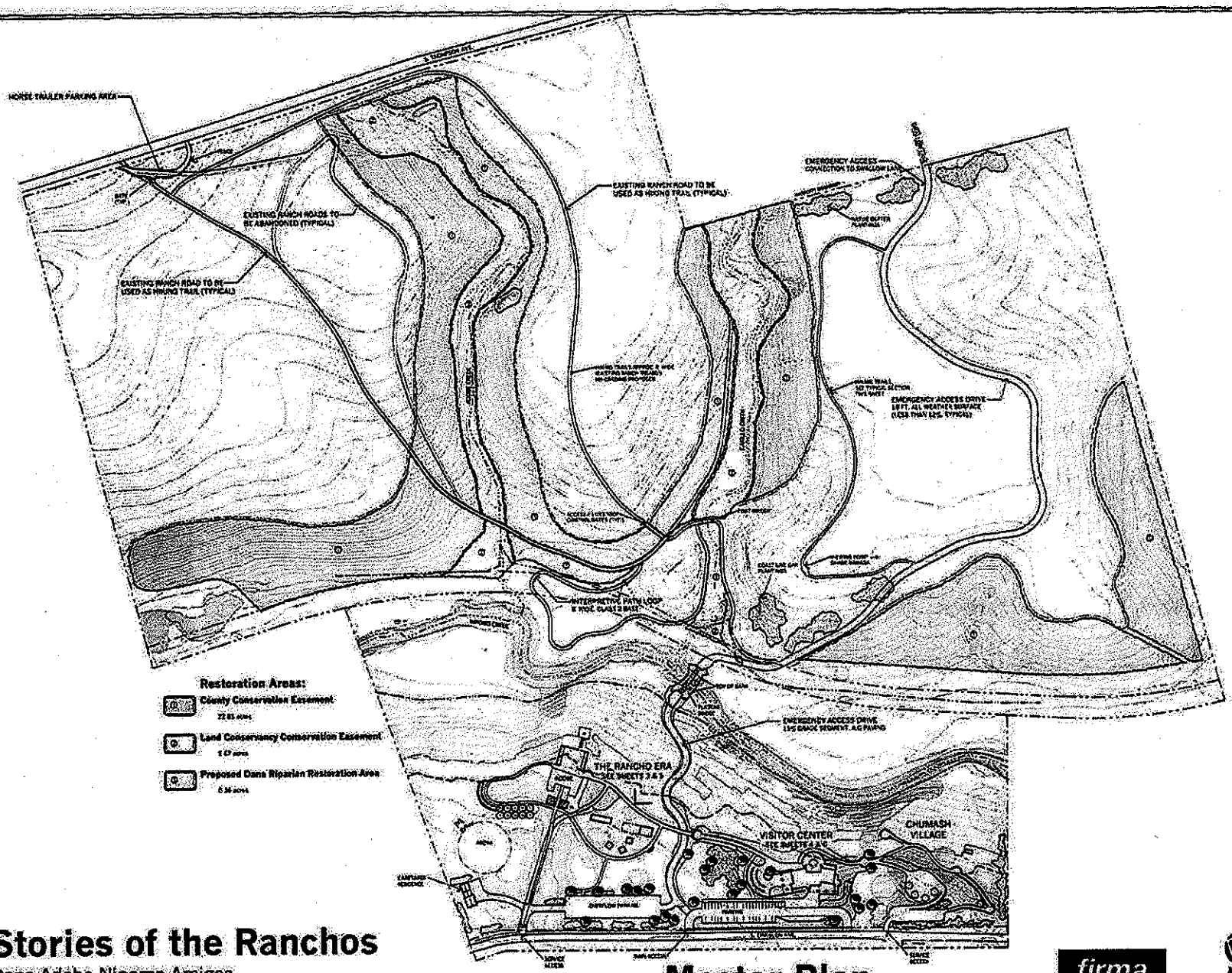
Maximum Applied Water Allowance Equation:
MAWA = (ETo) (0.62) [(0.7 x LA) + (0.3 x SLA)]

TO CALCULATE ETWU - Estimated Total Water Use		
ETo	47.4	
PFxHA (see chart)	7367	
HA (same as LA)	56870	
IE (see chart)	0.8	
SLA	0	
ETWU (Gallons)		270,627
ETWU (inches per sq.ft.)	7.6	
ETWU (inches per DAY)	0.02	

To Determine Plant Factor with Multiple Hydro Zones				
H.Z.	Type	P.F.	H.A.	Weighted P.F.
1	very low	0.1	48,470	
2	low	0.3	8400	
3				
4				
5				
6				
			Totals	8870

Estimate Total Water Use Equation:
ETWU = (ETo x 0.62) [(PF x HA)/IE) +SLA]

To Determine Average System IE - Exceed .71					
H.Z.	Type	Sprinkler	HA	IE	Weighted Area
1	LOW (LW)	D (DRIP)	56,870	0.8	
2					
3					
4					
5					
6					
			56870	Totals =	4549
					0.8



Stories of the Ranchos

Dana Adobe Nipomo Amigos

Master Plan

firma

North

Scale: 1" = 100'-0"

2

NIPOMO COMMUNITY SERVICES DISTRICT

BOARD MEMBERS
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TINA GRIETENS, UTILITY SUPERINTENDENT
JON SEITZ, GENERAL COUNSEL

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148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

December 19, 2011

Board of Supervisors
County of San Luis Obispo
Room D-430, County Government Center
San Luis Obispo, CA 93408

SUBJECT: DANA ADOBE NIPOMO AMIGOS STORIES OF THE RANCHO PROJECT SUPPORT LETTER

Dear Chairperson Hill, Vice-Chairperson Patterson, Supervisor Teixeira, Supervisor Gibson and Supervisor Mecham:

Please accept this letter providing comment of the Nipomo Community Services District ("District") to the proposed General Plan Amendment to allow the development and construction of the Dana Adobe Nipomo Amigos (DANA) Stories of the Rancho Project (Rancho Project). The District Board of Directors received a presentation on the projected water use for the Rancho Project during the District's December 14, 2011 and approved this letter at that time.

The District Board of Directors supports the development of the Rancho Project. However, there is also strong opposition to any General Plan Amendment that is contrary to the Rules, Regulations and Prohibitions established by County Ordinance 3090. Ordinance 3090 prohibits General Plan Amendments that increase non-agricultural water demand more than the amount otherwise available based on the land uses possible under the current County General Plan within the Nipomo Mesa Water Conservation Area.

The District requested that DANA provide a water use projection for the Rancho Project. District review of the water use projection indicates that the Rancho Project will use the equivalent amount of water as currently permitted by the District's Water Service Limitations if the parcels were developed as residential. Thus it appears that the project will not increase non-agricultural water demand more than the amount otherwise available based on the land uses possible under the current County General Plan.

The Rancho Project includes elements of water conservation education, both active and passive, that will stand to complement the District's conservation efforts for generations to come.

Thank you for considering this letter.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

James Harrison
Board President

C:
Ms. Marina Washburn, Executive Director Dana Adobe Nipomo Amigos
Mr. Chuck Stevenson, San Luis Obispo Planning and Building Department