Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED13-076 **DATE:** January 2, 2014

PROJECT/ENTITLEMENT: Private Capital Investments Conditional Use Permit; Lot Line Adjustment DRC2013-00003; SUB2013-00005

APPLICANT NAME: Private Capital Investments
ADDRESS: 3201 Danville Blvd., Almo, CA 94507
CONTACT PERSON: Gary Bowers, Private Capital Investments **Telephone:** (925) 837-1314

PROPOSED USES/INTENT: Request by Private Capital Investments for 1) a Conditional Use Permit to allow for the construction and operation of a 96-bed assisted living facility and a 36-unit senior living apartment complex on two vacant parcels; and 2) a Lot Line Adjustment to adjust the lot lines between the two parcels of 2.12 and 3.14 acres each.

LOCATION: South of Juniper Street, bordered by Mary Avenue and North Frontage Road, in the community of Nipomo.

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

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

OTHER POTENTIAL PERMITTING AGENCIES: Regional Water Quality Control Board

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. (2 wks from above DATE)

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, Schani Siong Project Manager Name	Date	County of San Luis Obispo Public Agency

Initial Study Summary – Environmental Checklist

PLANNING & BUILDING DEPARTMENT • COUNTY OF SAN LUIS OBISPO
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(ver 5.1)Using Form

Project Title & No. Private Capital Investments Conditional Use Permit and Lot Line Adjustment; ED13-076 (DRC2013-00003, SUB2013-00005)

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 /Hydrology
☒ 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.

Brian Pedrotti, Schani Siong — Prepared by (Print)
Signature
12/23/13 — Date

Murry Wilson — Reviewed by (Print)
Signature
Ellen Carroll, Environmental Coordinator (for)
12/23/13 — 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 County Planning Department 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 Current Planning Division, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Private Capital Investments for a Conditional Use Permit to allow for the construction and operation of a 96-bed assisted living facility and a 36-unit senior living apartment complex on two vacant parcels.

To support the development, the applicant is also requesting a Lot Line Adjustment (COAL13-0075) to adjust the lot lines between the two parcels of 2.12 and 3.14 acres each. The adjustment will result in 2 parcels of 1.08 acres and 4.18 acres respectively. The project will not result in the creation of any additional parcels.

The proposed project will result in the disturbance of the entire 5.26 acres site, with additional disturbance to the project side of Mary and Juniper Streets due to required off-site road improvements (approximately 0.39 acres). The project is within the Commercial Retail land use category. The project is located south of Juniper Street, bordered by Mary Avenue and North Frontage Road, in the community of Nipomo. The site is in the South County Inland planning area.

ASSESSOR PARCEL NUMBER(S): 092-572-016 and -017

Latitude: 35 degrees 02 ' 17.9736" N Longitude: -120 degrees 29' 18.5460 " W

SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: South County (Inland), Nipomo

LAND USE CATEGORY: Commercial Retail

COMBINING DESIGNATION(S): None

EXISTING USES: Undeveloped, drainage basin

TOPOGRAPHY: Gently sloping

VEGETATION: Grasses, trees, and coastal shrubs

PARCEL SIZE: 5.26 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Commercial Service; RV dealership	*East:* Highway 101
South: Commercial Retail; undeveloped/open space	*West:* Office and Professional; undeveloped

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.

PLANNING & BUILDING
COUNTY OF SAN LUIS OBISPO

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 proposed project site is located on the southern side of Juniper Street, immediately west of Highway 101, in the community of Nipomo. The site is bordered by Mary Avenue and North Frontage Road to the west and east, respectively. The site is currently vacant and undeveloped. The topography of the parcels is level at Juniper Street, and slopes up to a gentle ridge above near the south end of the parcels. Vegetation on the project site includes coast live oaks, eucalyptus trees, coastal shrubs, and grasses. The surrounding parcels include: the RV dealership to the north, Highway 101 to the east, a Vons-owned open-space parcel and shopping center to the south, and a vacant parcel to the west, which was once part of the approved, but undeveloped Nipomo Town Square project. The surrounding area is a mix of commercial retail and urban residential uses.

Views from Juniper Street. As seen from Juniper Street, the project site appears undeveloped due to the adjacent Von's detention basin and open space parcel. The RV dealership, a commercial storage facility and some residential neighborhoods are located on the north side of Juniper Street. The visual character along Juniper Street is predominantly commercial retail and urban residential uses and undeveloped lands.

Views from Highway 101. Views of the project site and surrounding areas are generally urban. On the west side of the highway, there is clear visibility of the Nipomo Swap Meet, commercial storage facility and RV dealership that are located north of the project site and the Vons commercial shopping center south of the project site. Commercial centers and residential neighborhoods are located on the east side of the highway. The project site is visible from the highway for approximately 0.2 mile (approximately 8 seconds) from the southbound travel lanes, and approximately 0.1 mile (approximately 3 seconds) from the northbound travel lanes. Due to the proximity of existing commercial and industrial development along the west side of the highway, the project site appears surrounded by urban development.

Impact. The height of the assisted living facility and the senior apartments will be approximately 35 feet, which is consistent with the West Tefft Design Plan. The proposed exterior colors and materials

are hues of light green and yellow for fascia, trims, doors, siding and stucco, light brown for the roof and canopy, driftwood composite shingle roof, and stone walls. These are all materials recommended in the Design Plan as compatible with the surrounding area. The buildings are orientated towards Juniper Street and Mary Avenue, with main access driveways from Mary Avenue and a secondary access off Juniper Street. The assisted living facility is a large building fronting Juniper Street and Mary Avenue. The applicant has reduced the mass of the structures facing the street by providing building face articulation and visual interest along the street sides of the structures.

Landscaping and architectural elements will be installed throughout the development. Proposed landscaping includes a variety of county-approved trees and native, drought-tolerant shrubs to be installed along the perimeter of the project site and within the parking areas. Architectural elements such as plazas and pathways will reduce the need to plant intensive landscaping and still create pedestrian-friendly courtyards for the assisted living facility. Streetscape improvements such as plantings of street trees, shrubs and installation of sidewalks will soften the visual impact of the development and simultaneously, create a more walkable environment.

Nighttime lighting for the project during operation has the potential to be visually intrusive to adjacent properties as a source of nighttime glare. All lighting will be shielded and directed downwards, consistent with the County Land Use Ordinance. Lighting glare towards the highway will be lessened with street trees planted along Juniper Street to screen the glare from the assisted living facility.

Mitigation/Conclusion. The applicant proposes to install landscaping along the perimeter of the project site and within parking areas. The applicant has agreed to submit revised landscape plans demonstrating modified placement of street trees and other vegetation along the outer perimeter of the assisted living facility to screen the glare from the building. Visual articulation and the use of earth-toned, muted-colored materials are applied to the proposed developments. In addition, prior to issuance of construction permits, the applicant has agreed to submit a final color and materials board for County review and approval. Based on the location of the proposed project within an urbanized area, consistency with the West Tefft Design Corridor Plan, County Land Use Ordinance, and incorporation of proposed design elements and landscaping, potentially significant visual impacts would be mitigated to less than significant.

2. AGRICULTURAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	☐	☐	☒	☐
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☒	☐
c) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	☐	☐	☒	☐

2. AGRICULTURAL RESOURCES *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) Other: _____	☐	☐	☐	☐

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

Land Use Category: Commercial Retail

State Classification: Farmland of Statewide Importance

Historic/Existing Commercial Crops: None

In Agricultural Preserve? No

Under Williamson Act contract? No

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

Oceano sand (0 - 9 % slope). This nearly level to gently sloping sandy soil is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities. The soil is considered Class VI without irrigation and Class IV when irrigated.

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. 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?	☐	☐	☒	☐

3. AIR QUALITY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) ***Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?***	☐	☐	☒	☐
GREENHOUSE GASES				
f) ***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***	☐	☐	☒	☐
g) ***Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***	☐	☐	☒	☐
h) ***Other:*** _____	☐	☐	☐	☐

Setting. The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) 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).

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of **AB32**, the **California Global Warming Solutions Act (2006),** recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that

is consistent with AB 32 Scoping Plan measures and goals; or,

2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO2/year (MT CO2e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO2e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Non-Attainment. The project site is located within the South Central Coast Air Basin, which is currently considered by the state as being in 'non-attainment' (exceeding acceptable thresholds) for particulate Matter (PM_{10}, or fugitive dust) and ozone. The nearest air quality monitoring station is the Nipomo Regional Park.

The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone.

APCD Program. To address these impacts APCD has developed a program (CEQA Air Quality Handbook) to establish impact thresholds and mitigation measures to address most project-related air quality impacts. As required by Section 22.10.030 of the County's LUO, the proposed project was referred to the County of San Luis Obispo Air Pollution Control District (APCD) for review and determination of any air quality impacts potentially resulting during both the project's construction and operational phases.

Health Risk Assessment. The project is located within 250 feet of Highway 101 and in close proximity to nearby gasoline service stations in the area. According to the CDOT traffic count data, the estimated daily traffic along the highway segment is 54,000 vehicles per day (CDOT, 2011). In July 2009, the California Air Pollution Control Officers Associations (CAPCOA) adopted a guidance document, "Health Risk Assessments for Proposed Land Use Projects", to provide uniform direction on assessing the health risk impacts from and to proposed land use projects. The CAPCOA guidance document focuses on how to identify and quantify the potential acute, chronic, and cancer impacts of

sources under CEQA review.

Because of the potential exposure to nearby toxic air contaminant (TAC) from surrounding emissions, the San Luis Obispo County Air Pollution Control Board (SLOCAPCD) requested that the applicant prepare a refined health risk assessment to quantify and estimate the health risks future residents faced from exposure to highway-related DPM emissions and TAC emissions from the nearby gasoline stations. The potential health impacts were compared with the applicable (SLOCAPCD) health risk significance threshold for cancer risk.

Impact. The proposed project is located adjacent to existing commercial and in close proximity to residential developments along Juniper Street. Residential areas are sensitive to air pollution, including both construction and operational emissions. Approximately 5.65 acres of site disturbance would occur during grading activities for the construction of the building pads, structures, drainage improvements, utility installation, and on and off-site road improvements.

As identified by the APCD, air quality impacts during construction include the creation of fugitive dust (PM10), the creation of diesel exhaust particulate matter, the potential release of naturally occurring asbestos during grading, and operational emissions.

Fugitive Dust (PM_{10}). The applicant proposes to disturb approximately 5.65 acres, which exceeds the APCD's significance threshold (4.0 acres) for fugitive dust (PM_{10}), resulting in a potentially significant impact.

Diesel Exhaust Particulate Matter (DPM). Construction of the proposed project will include the use of numerous pieces of heavy-duty diesel equipment. In July 1999, the California Air Resources Board (CARB) listed diesel exhaust particulate matter as a toxic air contaminant (TAC).

Naturally-Occurring Asbestos. The project site is located in an area potentially containing naturally occurring asbestos, serpentine or ultramafic rock. The State Air Resources Board considers asbestos a toxic air contaminant. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

Developmental Burning. On February 5, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning under restrictions may be allowed. Unregulated burning would result in a potentially significant air quality impact.

Health Risk Assessment. According to the CAPCOA guidance document, this project is considered a Type B project, which are new land use projects that will place sensitive receptors in close proximity to existing toxic sources. The APCD established a CEQA health risk threshold of 89 in-a-million for the analysis of projects proposed in close proximity to toxic sources. The predominant emission source at the project site includes the mobile source emissions from Highway 101 and emissions from the operations of several nearby gasoline service stations. The value represents the population weighted average health risk caused by ambient background concentrations of toxic air contaminants (TAC) in San Luis Obispo County. The TACS analyzed included diesel particulate matter (DPM) and total organic compounds (TOG) from Highway 101 and benzene from the evaporation of gasoline from service station operations.

The Health Risk Assessment concluded that for a Type B project, the maximum predicted cancer risk at this project site associated with the exposures to TAC emissions was found to be 27.7 in one million, which is substantially less than the SLOCAPCD Type B project cancer risk threshold of 89 in a

million. The TAC emissions from the gasoline service station are not expected to significantly impact the project's residents (Michael Brandman Associates, April 2012).

The Health Risk Assessment also conducted an Air Dispersion Model using the USEPA Industrial Source Complex Model (ISC) model (EPA 1995) to estimate the health risk impacts at receptors located within the project from exposures to toxic air contaminants (TAC). The ISC model indicates that the most frequent wind direction is from the northwest (Michael Brandman Associates, April 2012), which blows TACs from Highway 101 away from the site and reduces TAC exposure on the project site.

Construction Phase Impacts. The California Emission Estimator Model (CalEEMod) is the emissions estimation model the District uses for land use projects. The APCD's preliminary emission estimate using the CalEEMod model indicates the construction phase emissions will be approximately 182lb/day, which exceeds the APCD's daily (ROG and NOx) emission threshold (Gary Arcemont, APCD Aug 20, 2013). The parcels are vacant and hence there will be no demolition activities that can further impact the air quality. Construction activities can generate fugitive dust that may cause additional nuisance impact to nearby residents and businesses. This project has a construction site of 5.65 acres and shall be subjected to APCD's 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402) for dust control. Construction phase emissions exceeding the thresholds will require construction-related mitigation. The project requires approximately 18,000 CY of fill to be imported and is conditioned to meet Land Use Ordinance Section 22.52.160(c)(2) Exportation and Importation of material standards, which includes the following:

a. Limiting the distance between the project site and the source/ destination site; and/or
b. Requiring that export/ import be phased over a specified amount of time; and/or
c. Scheduling truck trips during non-peak hours to reduce peak hour emissions; and/or
d. Limiting the length of the workday; and/or
e. Applying trucking equipment emission reduction measures as approved b the Air Pollution Control District.

Operational Phase Impacts. APCD considered the operational impact of this project by running the CalEEMod computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. The CalEEMod was used to determine the operational impacts which resulted in less than the APCD's CEQA significance thresholds for ROG and NOx, diesel particulate matter (DPM), fugitive particulate matter (PM10) and greenhouse gasses (Table 3-2, SLO County APCD CEQA Air Quality Handbook, 2012). Based on the SLO County Air Pollutant Worksheet, the assisted living and senior apartments generate an approximately 21.67lb/day of ROG and NOx, which falls under the APCD's significance thresholds for project-level operational emissions (Table 3.2 SLO County APCD CEQA Air Quality Handbook, 2012).

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

Clean Air Plan Consistency. The proposed project would be located within an existing urban area, and is consistent with the *Clean Air Plan.*

This project is an assisted living facility and senior housing apartments. Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required.

Because this project's emissions fall under the threshold, no mitigation is required.

Mitigation/Conclusion. To mitigate for potential air quality impacts, the applicant has agreed to implement the following measures (refer to Exhibit B for a complete list).

Fugitive Dust (PM_{10}). To minimize fugitive dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible, 15mph speed limitation for construction vehicles, stabilizing unvegetated disturbed soil areas using APCD approved methods or revegetation as soon as possible, covering or maintaining minimum 2 feet of freeboard for dirt hauling trucks, installing wheel washers for vehicles entering and existing unpaved roads onto streets, sweeping of street at the end of each day, noting all fugitive dust mitigation measures on grading and building plans, and appointing a designated person(s) to monitor the fugitive dust mitigation measures.

Diesel Exhaust Particulate Matter (PM). To minimize the potential for diesel exhaust particulate matter emissions, the applicant has agreed to maintain all equipment, use CARB fuel, and install emission reduction retrofit devices on equipment. Additional mitigation measures include a 5 minute idle limit and a 1,000 feet prohibited area for diesel idling, staging, and queuing areas.

Naturally-Occurring Asbestos. Prior to grading or site disturbance, the applicant has agreed to retain a qualified individual to conduct a geologic investigation for naturally-occurring asbestos. If asbestos is present, the applicant would comply with the *Asbestos Air Toxin Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations.* These requirements include, but are not limited to implementation of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program.

Developmental Burning. To minimize the effects of vegetative burning on regional air quality, the applicant is required by regulation to avoid burning, or if no alternative is available, obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to levels of insignificance.

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?	☐	☐	☒	☐

4. BIOLOGICAL RESOURCES *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☐	☒	☐
e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

*** Species – as defined in Section15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.**

Setting. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: Grasses, trees, and coastal shrubs

Name and distance from blue line creek(s): Nipomo Creek (950 feet)

Habitat(s): Potential Clarkia Habitat

Site's tree canopy coverage: Approximately 2%.

Sensitive Species List

The Natural Diversity Database identified the following species potentially existing within approximately one mile of the proposed project:

Sand Mesa manzanita (Arctostaphylos rudis) List 1B
Sand mesa manzanita *(Arctostaphylos rudis)* has been found about .64 miles to the North West, .59 miles to the West, and .93 miles to the South West. This evergreen shrub is generally found on sandy soils in chaparral and coastal scrub areas between the 25 and 230-meter (80 to 760 foot) elevations (Tibor 2001). The blooming period is November-February. The sand mesa manzanita is considered rare by CNPS (List 1B, RED 2-2-3).

The proposed project sites consist of partially disturbed areas adjacent to commercial developments. Vegetation on the project site consists of grasses, forbs, shrubs, coast live oak trees (*Quercus agrifolia*), pine trees, and eucalyptus trees. . The project is located within an area designated as potential Pismo Clarkia habitat. The project site has been highly disturbed with previous grading and does not provide the necessary conditions for Pismo Clarkia, which prefer locations near oak woodlands. The project site is located within vernal pool habitat region; however, no evidence of vernal pools or areas of standing water were observed onsite. No evidence of wetland or riparian vegetation was observed onsite.

Impact.

Native and Important Vegetation. The project will result in the removal of several pine trees and will remove two coastal live oak trees. The pine trees will be removed due to grading for the proposed driveway along the basin exiting into North Frontage Road. These pine trees are planted trees and

are not considered native vegetation that requires replanting mitigation.

Sensitive Wildlife Species. The mature trees on the project site and the adjacent open space parcel provide potential habitat for nesting birds, which are protected by California Fish and Game Code Section 3500-3516. Nesting birds may be disturbed or harmed by tree removal, grading activities, disruptive construction equipment noise, and increased human activity near nesting areas, resulting in a potentially significant impact.

Mitigation/Conclusion. The applicant has agreed to plant 8 coast live oak trees onsite to mitigate for the removal of the two coast live trees. These trees will be cared for (e.g. adequate watering, weeding, remedial work) until they are successfully established. To avoid impacts to nesting birds, the applicant shall do tree removal outside of the nesting season or retain a County-approved biologist to conduct a preconstruction survey for nesting birds (during the nesting season). If nesting birds are observed, the birds and nest shall be avoided until the young have left the nest. Based on the above discussion and implementation of mitigation measures contained in Exhibit B, impacts to biological resources would be reduced to a level of insignificance.

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

Setting. Both prehistoric and historic cultural resources are known to exist in the Nipomo area. The subject sites are part of a previously approved but undeveloped Nipomo Village Plaza Project (Tract #2652). Several studies had been completed for the previous project in 2004; A *Cultural Resources Survey and Impact Assessment* (C.A. Singer & Associates, Inc.; March 15, 2004), *Phase II Subsurface Testing CA-SLO-809* (C.A. Singer & Associates, Inc.; December 19, 2004), *Phase II Subsurface Testing 128 Mary Avenue* (C.A. Singer & Associates, Inc.; December 2, 2004), and the *Nipomo Village Plaza Project (Tract #2652) and the Oak Terrace Residential Project (Tract #2558) Supplemental Historical Resources Evaluation Report* (Greenwood and Associates; May 2005).

Archaeological Resources. The project site is located in an area historically occupied by the Obispeño Chumash. Based on the results of the records search and Phase I field survey, small quantities of prehistoric artifacts were observed on the project sites), which matched the archaeological samples recovered from nearby site CA-SLO-809(C.A. Singer & Associates, Inc.; March 15, 2004). Based on these findings, a Phase II subsurface testing was conducted and determined observed prehistoric deposits on the project are surficial (C.A. Singer & Associates, Inc.; December 19, 2004). The systematic Phase II testing also verified the prehistoric deposits as unimportant and not meeting the minimum criteria to be considered as significant resources (C.A. Singer & Associates, Inc.; December 19, 2004).

Impact.
Archaeological Resources. Based on the results of the Phase I and Phase II reports, it is unlikely that

significant subsurface archaeological resources are present on the project site; however, unknown subsurface resources may be present and destroyed during future grading and excavation activities.

No historic resources are present on the project site and no impacts to historical resources will occur. The project site is not located in an area that typically contains paleontological resources therefore impacts to these resources are not anticipated (due to the underlying geology of the project site).

Mitigation/Conclusion. No impacts to historical or paleontological resources would occur as a result of the proposed project. Based on the lack of discovery of subsurface materials, a Phase III Testing and Data Recovery Program is not necessary. To ensure that unknown resources are not uncovered and destroyed during construction of the proposed project, the applicant has agreed to retain a County-approved archaeologist and Native American representative to monitor grading activities associated with each proposed phase of development. Based on implementation of these measures, impacts to archaeological resources would be mitigated to less than significant.

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", or other known fault zones?*	☐	☐	☒	☐
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) Include structures located on expansive soils?	☐	☐	☒	☐
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	☐	☐	☒	☐
f) Preclude the future extraction of valuable mineral resources?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☐

* Per Division of Mines and Geology Special Publication #42

Setting. The following relates to the project's geologic aspects or conditions:

Topography: Gently sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Moderate

Nearby potentially active faults?: Yes Distance? 1521 feet

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

Shrink/Swell potential of soil: Low

Other notable geologic features? None

Geology. The topography of the project is gently sloping. The area proposed for development is not within the Geologic Study Area designation; hence no geological report is required. The landslide risk potential is low. The liquefaction potential is moderate and there is active faulting known to exist over a quarter mile from the project site.

Drainage. The areas proposed for development is outside the 100-year Flood Hazard designation zone. The closest source of surface water from the proposed development is Nipomo Creek, located approximately 950 feet to the east. As described in the NRCS Soil Survey, the soil is considered well drained. There is an existing storm water retention basin located on the east side of the project. The site's natural topography slopes downward to this existing basin, which is currently used by Von's for drainage. The applicant proposes to install 4 underground retention areas onsite, with one retention area draining into the existing basin. Additionally, there will be 2 rain gardens of 600 square feet capturing roof runoff at the assisted living entry area, and approximately 7,430 square feet of bio-swale landscaping along the perimeters of the development.

Sedimentation and Erosion. The soil type mapped for the project site is Oceano sand (0-9% slope). As described in the NRCS Soil Survey, the soil has a high erodibility and low shrink swell characteristics. Implementation of the proposed project would result in the disturbance of approximately 5.65 acres. The Clean Water Act has established a regulatory system for the management of storm water discharges from construction, industrial and municipal sources. The California State Water Resources Control Board (SWRCB) has adopted a National Pollution Discharge Elimination System (NPDES) Storm Water General Permit, which requires the implementation of a Storm Water Pollution Prevention Plan (SWPPP) for discharges regulated under the SWRCB program. The Regional Water Quality Control Board is the local extension of the SWRCB, who currently monitors these SWPPPs. The construction area for this project exceeds the the one acre of disturbance threshold and therefore, the applicant is required to prepare and implement a SWPPP that focuses on controlling storm water runoff.

Impact. As the project consists of a portion of the formerly approved but undeveloped project, Tract 2652-Nipomo Town Square, this project referenced the *'Drainage Calculation for Tract 2652 – Onsite Improvements, Nipomo Town Square' (Cannon, February 2009).* Based on the location of the project site and known active faults, impacts related to faulting at the project site are not anticipated. Standard construction procedures and building code requirements will reduce potential impacts.

The applicant submitted a '*Summary of Updated Drainage Calculations' (Cannon, Aug 2, 2013)* for the revised scope of development, with minimal impact to the existing drainage basin or change to the original drainage design. The project will result in an estimated 5,000 CY of cut and 26,500 CY of fill. An approximate of 21,500 CY of fill will be imported for the project and the project is conditioned to comply with the Land Use Ordinance Section 22.52.160(c)(2) mitigation measures for projects which involve cumulative importation of 2,000 CY or more of soil to a non-adjacent site. See the Air Quality section for additional discussion of the required conditions to mitigate the impacts of importing fill. Grading for and construction of the proposed project would create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. Retaining walls and bio-swales will be utilized along the perimeters to accommodate grade changes. Total grading activities and site

disturbance would be approximately 5.65 acres for the proposed project, and would be subject to County Ordinance requirements (Section 22.52.120 Erosion and Sedimentation Control Plan) and the NPDES program.

Mitigation/Conclusion. There is no evidence that measures above what will already be required by ordinance or codes are needed. Pursuant to Clean Water Act regulations, the applicant is required to prepare and implement a SWPPP during construction to minimize off-site sedimentation and erosion impacts. Based on the above discussion and implementation of a SWPPP and Erosion and Sediment Control Plan as required in Section 22.52.120geology and soils impacts would be mitigated to insignificance and no further measures are required.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	☐	☐	☒	☐
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	☐	☐	☒	☐
f) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	☐	☐	☒	☐

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) Be within a 'very high' fire hazard severity zone?	☐	☐	☒	☐
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	☐	☐	☒	☐
j) Other: _____	☐	☐	☐	☐

Setting. The project is within a moderate severity risk area for fire. The proposed project is located within the State Responsibility Area for wildland fires and was referred to the California Department of Forestry (CDF)/County Fire Department. Based on the County's fire response time map, it will take approximately 5-10 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts. The project is located approximately 250 feet from Highway 101, which has an average traffic volume of 50,000 trips/ day. The project is not within the Airport Review area. The project is not located in an area of known hazardous material contamination and does not fall under Government Code Section 65962.5 (known as the "Cortese List"), which includes hazardous waste facilities, land designated as hazardous waste property, or hazardous waste disposal sites.

Impact. The project does not present a significant fire safety risk and is not expected to conflict with any regional evacuation plan. No significant fire safety concerns were identified (Laurie Donnelly; December 9, 2013). A detailed Health Risk Assessment was conducted by Michael Brandman Associates, April 28, 2012 to ascertain the potential health risk impacts to residents of the proposed assisted living facility. The assessment concluded that the health risk associated with the exposures to Toxic Air Contaminants (TAC) from the highway is substantially less than the SLOCAPCD risk threshold. Refer to the Air Quality section for further discussion on Air Quality impacts.

No potential concerns were identified for the following elements of this issue and no further discussion is provided: the project does not propose the use of hazardous materials or the generation of hazardous wastes.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no 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 permanent increases in the ambient noise levels in the project vicinity?	☐	☐	☒	☐

8. NOISE *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	☐	☐	☒	☐
d) Expose people to severe noise or vibration?	☐	☐	☒	☐
e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting.

Major highway transportation related noise receptors within the County include areas that are in close proximity to Highway 101. Generalized noise contours have been included in the County Noise Element, and a distance of approximately 800-1200 feet generally characterizes the 60 dB L_{dn} noise contour for Highway 101, which is the main north-south artery for the County. The location of the project is approximately 240 feet west of Highway 101, which places the proposed buildings in the 65dB – 70dB noise contour, without adjusting for the topography. Some land uses are considered more sensitive to ambient noise levels than others and the County has identified residential developments and nursing or personal care facilities as noise-sensitive uses. Based on the *County Noise Element*, the threshold for acceptable exposure to transportation-related noise for both nursing/personal care and offices is 60 dB outdoor and 45 dB indoor. Noise exposure between 60 and 75 dB is conditionally acceptable.

Topography plays a significant role in the perception of traffic related noise emissions. The project site is elevated slightly above Highway 101 and the terrain rises from Juniper Street road level to a gentle ridge at the southern portion of the property. The rise in terrain produces shielding of the site from the freeway. Since the project will not significantly alter the terrain east of the project site, it is anticipated that the project will continue to benefit from the terrain shielding.

Impact.

Noise Exposure. The applicant proposes to construct an assisted living facility and a senior living apartment complex on the project site. Based on the *County Noise Element*, the threshold for acceptable exposure to transportation-related noise for both nursing/personal care and offices is 60 dB outdoor and 45 dB indoor. As proposed, future residents at this project site may be exposed to unacceptable levels from the nearby Highway 101 traffic noise, which is considered a potentially significant effect. A Preliminary Acoustics Analysis was completed by Christopher Jean & Associates, Inc. (Preliminary Acoustical Analysis, Christopher Jean & Associates, Inc., June 10, 2013). This analysis identified that the residents at this project site will be exposed to Highway 101 traffic-related noise ranging from 65 to 70 dBA CNEL. Project design, construction standards to building code Title 24, and mitigation measures implemented as recommended by the consultant and as specified in the Noise Element, would reduce exterior and interior noise levels to acceptable levels.

1. *Exterior.* Acceptable outdoor noise levels would be exceeded for the assisted living facility. To reduce the exterior noise levels at the outdoor use areas, the structure of the proposed facility is designed to surround three outdoor use areas like courtyards within the building. These outdoor use areas or courtyards are shielded from the freeway noise source by the walls of the building. The building structures will provide at least 10dBA of exterior noise shielding to all, or at least large portions of these exterior use spaces. Thus, exterior noise levels are not expected to exceed 65 dBA CNEL. The assisted living structure will provide adequate exterior noise mitigation and no additional mitigation measures will be necessary for the exterior use areas

2. *Interior.* The *County Noise Element* establishes the exposure criteria for new residential developments to be limited to 45 dBA CNEL for interior noise environment. The *Preliminary Acoustical Analysis* had calculated an elevated noise level of 67 dBA CENL at the first floor building face and 70 dBA CNEL at the second floor building face nearest the freeway. The standard building construction shown in Table 3 in the acoustics analysis will attenuate interior exposure by approximately 20 dBA, which will be adequate for the majority of interior environment exposed to exterior noise levels as high as 65 dBA CENL. However, interior rooms located in the areas closest to the freeway are exposed to noise levels exceeding 65 dBA and shall be mitigated with recommended window assemblies above the minimum Building Code Title 24 Sound Transmission Class (STC) and Impact Insulation Class (IIC) requirements.

Noise Generation.

Both assisted living facility and the senior living apartment complex will generate noise from building mechanical systems, parking activities, and truck deliveries. Assisted living facilities tend to generate more frequent emergency responder traffic trips, which would contribute to the cumulative generation of transportation-related noise. Emergency responders usually use sirens to warn other drivers of the emergency and can be considered a noise impact. Access to the facility is important as emergency responders tend to travel down Mary Avenue from Tefft Street. The lot line adjustment will allow both buildings to have main access from Mary Avenue. By locating the main accesses on Mary Avenue, the traffic path to the project site will be shortened, thus reducing noise impacts on the nearby residential neighborhoods along Juniper Street. Further, medical facilities coordinate with local emergency responders to avoid using sirens when entering or exiting residential neighborhoods near facilities. There are no sensitive land uses immediately adjacent to the project, the nearest residential use (i.e. sensitive receptor) is located approximately 850 feet to the northwest.

Mitigation/Conclusion.

The Preliminary Acoustics Analysis assumed that all windows and doors are kept closed (Christopher Jean & Associates, Inc., June 10, 2013). Based on the previously discussed project circumstances, the project will be required to incorporate the following measures to reduce potential noise impacts to less than significance levels:

1. First floor rooms facing Highway 101 shall be constructed with window assemblies of sound rated STC 26 or higher, to achieve the required 22 dBA if interior noise reduction; and

2. Second floor rooms facing Highway 101 shall be constructed with window assemblies of sound rated STC 32 or higher, to achieve the required 25 dBA of interior noise reduction; and

3. The applicant will provide certification from an engineer qualified in noise analysis that a noise level of 45 dbA or less can be maintained inside the residence with the windows and doors closed and 60 dbA can be achieved for outdoor activity areas, when buildout of the area is considered. In the event

the acceptable noise level is not reached, additional measures will be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved; and

4. An engineer qualified in noise analysis will need to analyze the area of the proposed use as having satisfactorily installed all of the necessary acoustical measures to provide interior noise levels, at area buildout, which meet the 45 dB Ldn threshold.

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 (e.g., construct new homes or businesses) or indirectly (e.g., 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?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting The County Housing Element's long-term goal is *"to achieve an adequate supply of safe and decent housing that is affordable to all residents of San Luis Obispo County."* Towards this end, the Element includes policies, objectives and programs designed to retain existing affordable housing, facilitate provision of new affordable housing, and reduce homelessness. Housing Element Policy 1.16 promotes housing opportunities regardless of age, race, religion, sex, marital status, ancestry or national origin. This policy motivates the development of senior-friendly communities and provision of more housing choices that meets the needs and preferences of the growing senior population in the county. Projects such as this development; the assisted living facility and the senior living apartment complex satisfy the County's Housing Element and Strategic Growth principles by directing new development towards existing communities, creating walkable neighborhoods and towns, and encouraging mixed land uses and diverse housing choices downtown to reduce travel and greenhouse gas emission.

The County has an Inclusionary Housing Ordinance that applies to both residential and non-residential development and subdivisions. 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. The project will not result in a need for a significant amount of new housing, and will not displace existing housing because the parcels are currently vacant and undeveloped.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing affordable housing unit(s) either on-site and/or by payment of the in-lieu fee. 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

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

Location: Approximately _1_ miles to the east

School District: Lucia Mar Unified School District.

For additional information regarding fire hazard impacts, go to the 'Hazards and Hazardous Materials' section.

Setting/ Impact. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Nipomo CDF Station 20) is located approximately one mile to the east. The closest Sheriff substation is in Oceano, which is approximately ten miles from the proposed project. The project is located in the Lucia Mar Unified School District.

The project was referred to Cal Fire, who expressed concerns that the proposed project will generate an increase in emergency responses required from the Nipomo Fire Station. Comparative assisted living and senior facilities in San Luis Obispo County account for 8-15% of the annual call volume for the fire service, which averages 1-2 calls per bed increase in emergency medical services responses. Previous, current, and future projects, particularly those that have a disproportionate number of emergency response calls, have the potential to contribute to a cumulatively impact on staffing of public services in the future.

Mitigation/Conclusion. This project will have a cumulative effect on police and fire protection, schools and roads. The applicant will be required to pay South County Area 1 road impact fees.

Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance. No additional measures will be required beyond the identified fees to address cumulative impacts.

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 does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area. This project is considered a new residential development (the senior living apartment complex) and shall be subjected to Public Facility fees.

Impact. This project will introduce assisted living facility employees and senior residents to the area. The project design incorporates several outdoor areas; edible garden, sculptural garden and dining terrace that are accessible to the senior residents and staff. Due to the limited number of senior residents and temporary employees to the area and the availability of on-site outdoor areas, the project is determined to be cumulatively inconsiderable and therefore, an insignificant recreational impact. The applicant is required to pay Public Facility fees.

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 "Level 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?	☐	☐	☒	☐

12. TRANSPORTATION/CIRCULATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?	☐	☐	☒	☐
f) Conflict with an applicable congestion management program?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐
i) Other: _____	☐	☐	☐	☐

Setting. The project is bounded by Mary Avenue, Juniper Street and North Frontage Road. The primary access to the assisted living facility and the senior living apartment complex is from Mary Avenue and the secondary access to the assisted living facility is from Juniper Street. The North Frontage Road currently dead-ends near the eastern boundary of the project site. North Frontage Road runs parallel west of Highway 101, providing access to the Nipomo Swap Meet and adjacent commercial and industrial uses along the highway. Juniper Street is a two-lane local road providing access to residential development between Pomeroy Road and North Frontage Road. Mary Avenue is a two-lane collector that currently connects West Tefft Street to Juniper Street. The intersection of Mary Avenue and Tefft Street is approximately 500 feet from the main Highway 101 and Tefft Street interchange.

The project is within the South County Circulation Fee area. This fee provides the means to collect "fair share" monies from new development to help fund certain regional road improvements that will be needed once the area reaches "buildout". This project is subject to this fee.

Impact. A traffic report 'Senior Housing Trip Generation and Parking Demand Characteristics' (Corcoran, 1996) was submitted to the County's Public Works Department for evaluation of traffic impacts by the proposed development. The report established that the senior housing unit will generate 4.52 to 5.64 trips a day or two-thirds the amount of traffic as compared to a single family residence. The assisted living facility generates an average of 0.22 morning peak hour trips per bed/ unit and 0.24 peak afternoon trips per bed/ unit. The peak hour rates are one-half to one-fourth that of other residential land uses (Corcoran, 1996). This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs on transportation.

Mitigation/Conclusion. The Public Works Department reviewed the proposed development, and determined that no significant project-specific traffic impacts would occur once the required improvements are completed. These include street and sidewalk improvements to both Mary Avenue

and Juniper Streets. Implementation of standard public improvements and payment of the South County Circulation Fee would mitigate potential impacts to less than significant, and no additional mitigation measures are required.

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. The project will be served by Nipomo Community Service District (NCSD) for wastewater disposal. The NCSD operates two sewage treatment plants, the Southland Wastewater Works and the Black Lake Wastewater Works. The Southland facility serves the main community, including the proposed project sites. Based on the County *Annual Resource Summary Report* (2010), the Southland facility was at 63% percent capacity. Implementation of the proposed project would not significantly affect the capacity of the facility.

Impact. The project will generate an estimated 18,900 gallons per day of effluent. The NCSD issued a preliminary intent-to-serve letter for sewer services for the proposed project. A final will-serve letter from the District would be required prior to recordation of the final map. No additional measures are necessary.

Mitigation/Conclusion. Given that the system is currently operating at acceptable levels and that it has the capacity to support existing commitments in addition to the proposed project, no mitigation measures are necessary.

14. WATER & HYDROLOGY *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
QUALITY				
a) Violate any water quality standards?	☐	☐	☒	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?	☐	☐	☒	☐

14. WATER & HYDROLOGY *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	☒	☐
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?	☐	☐	☒	☐
e) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☒	☐	☐
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?	☐	☐	☒	☐
QUANTITY				
h) Change the quantity or movement of available surface or ground water?	☐	☐	☒	☐
i) Adversely affect community water service provider?	☐	☐	☒	☐
j) Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure,etc.), or inundation by seiche, tsunami or mudflow?	☐	☐	☒	☐
k) Other: _____	☐	☐	☐	☐

Setting. The project proposes to obtain its water needs from a community system (NCSD). The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is gently sloping. The closest creek from the proposed development is approximately 950 feet away. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

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

Within the 100-year Flood Hazard designation? No

Closest creek? Nipomo Distance? Approximately 950 feet

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) 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, area 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 the project's soil erodibility is as follows:

Soil erodibility: Low

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) 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.

The proposed project is within the Nipomo Mesa Water Conservation Area and is subject to water conservation standards, including:

- Smart controlled irrigation systems;
- Drip irrigation systems utilized for all landscape plant material with the exception of turf;
- A separate meter for outdoor water;
- An operating manual to instruct the building occupant how to use and maintain the water conservation hardware;
- Turf area limits of 300 square feet per unit for multi-family units; and
- Turf area limits 20% or less of the site's total irrigated landscape area and a limit of 1,500 square feet of irrigated landscape area.

Impact – Water Quality/Hydrology

The project will be subject to Section 22.52.120 of the Land Use Ordinance which requires a sedimentation/erosion control plan (see Geology and Soils section) which will mitigate water quality/hydrology impacts. In addition, the following conditions apply:

- ✓ Approximately 5.65 acres of site disturbance is proposed and the movement of approximately 31,500 cubic yards of material;
- ✓ The project will be disturbing over an acre and will be required to prepare a SWPPP, which will be implemented during construction;
- ✓ The project is not on highly erodible soils, nor on moderate to steep slopes;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Bioswales will be installed as a part of the drainage plan;

- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant; and
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur.

Water Quantity

Based on the project description, as calculated on the County's water usage worksheet, the project's water usage is estimated as follows:

Assisted Living Facility
Indoor: 8.64 acre feet/year (AFY);
Outdoor: 1.53 AFY
Total Use: 10.17 AFY
Water Conservation: 1.18 AFY
Total Use w/ Conservation: 8.99 AFY

Senior Apartments
Indoor: 7.53 acre feet/year (AFY);
Outdoor: 0.51 AFY
Total Use: 8.04 AFY
Water Conservation: 1.78 AFY
Total Use w/ Conservation: 6.26 AFY

Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

In addition, the applicant provided an estimate of water demand for the assisted living facility with a more detailed description of the type of dwelling unit and equipment and fixtures provided. These estimates were calculated as 22.2 acre-feet per year for indoor use and 4.7 acre-feet per year for outdoor use, which exceed the County's estimated water demand. These more conservative numbers were provided to the NCSD and serve as the basis for their intent-to-serve letter.

Based on the latest Annual Resource Summary Report, the project's water source is adequate to provide for the project's water needs. The applicant has obtained a preliminary intent-to-serve letter from the Nipomo Community Services District, and will be required to provide a final will-serve letter prior to issuance of building permits.

Landscaping

The project is subjected to meet the landscaping requirements in the Section 7 of West Tefft Corridor Design Plan, which calls for enhanced landscape design to enhance building architecture, reduces storm water run-off, reduces glare and provides shade. The landscaping of the project had been reviewed several times to ensure the minimal irrigation necessary to support a pleasant pedestrian atmosphere and meet the low impact design standards and guidelines as required by both the West Tefft Design Plan and the Land Use Ordinance. The implementation of the landscape plan and water conservation measures will mitigate potential impacts to water use to less than significant, and no additional mitigation measures are required. For more detailed discussion on water usage, refer to the staff report.

Mitigation/Conclusion. As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect water quality.

Based on the proposed amount of water to be use and the water source, no significant impacts from water use are anticipated. See the Geology and Soils section for additional discussion of the required sedimentation/erosion control plan.

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. 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, South County Inland Area Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF 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 not within or adjacent to a Habitat Conservation Plan area. The proposed project is consistent with existing land uses because it is a residential project in the vicinity of mixed residential and commercial development.

Regulatory Setting: PLANNING AREA STANDARDS APPLY

The proposed project is subject to the following Planning Area Standard(s) as found in the County's LUO:

1. South County Planning Area – Inland 22.112.020

2. Nipomo Drainage Plan Requirements 22.112.080A4
3. West Tefft Design Plan 22.112.080C
4. Nipomo Urban Area 22.112.080
5. Nipomo Mesa Water Conservation Area 22.112.020F
6. Nipomo Central Business District 22.112.080D

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required were determined 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 Department has 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	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**Attached**
☐	County Sheriff's Department	**Not Applicable**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**Attached**
☒	CA Department of Transportation	**None**
☒	Nipomo Community Services District	**Attached**
☒	Other South County Advisory Council	**Attached**
☐	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

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☐ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☒ Real Property Division Ordinance
- ☒ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☐ Energy Wise Plan
- ☒ Area Plan and Update EIR
- ☒ West Tefft Corridor Design Plan
- ☐ Specific Plan
- ☒ Annual Resource Summary Report
- ☒ South County Circulation Study

Other documents

- ☒ Clean Air Plan/APCD Handbook
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Special Biological Importance Map
- ☒ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other

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

C.A. Singer & Associates, Inc. March 15, 2004. *Cultural Resources Survey and Impact Assessment.*

C.A. Singer & Associates, Inc. December 2, 2004. *Phase II Subsurface Testing at 128 Mary Avenue.*

C.A. Singer & Associates, Inc. December 19, 2004. *Phase II Subsurface Testing at the Edge of Archaeological Site CA-SLO-809.*

Earth Systems Pacific. January 13, 2004. *Soils Engineering Report Oak Terrace Subdivision.*

Greenwood and Associates. May 2005. *Nipomo Village Plaza Project (Tract #2652) and the Oak Terrace Residential Project (Tract #2558) Supplemental Historical Resources Evaluation Report.*

Corcoran, Stephen B. P.E., Institute of Transportation Engineers 66th Annual Meeting, 1996. *Senior Housing Trip Generation and Parking Characteristics*

Michael Brandman Associates, April 28, 2012, *Health Risk Assessment for Assisted Living and Memory Care Center, City of Nipomo, San Luis Obispo County, California*

Christopher Jean & Associates, Inc., June 10, 2013. *Preliminary Acoustical Analysis for Assisted Living and Memory Care Center, County of San Luis Obispo*

Cannon, August 2, 2013. *Nipomo Oaks: Summary of Updated Drainage Calculations*

Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

Aesthetics

VS-1 **Aesthetics – Exterior Colors. At the time of application for construction permit**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment.

VS-2 **Aesthetics – Landscape Plan. Prior to construction permit issuance**, the applicant shall submit landscape/irrigation/landscape maintenance plan(s) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The Plan shall be prepared as provided in Section 22.04.186 of the San Luis Obispo County Land Use Ordinance and shall provide vegetation that will adequately blend the new development, including driveways and parking areas into the surrounding environment, and will screen glare from the buildings onto adjacent properties.

The landscape plan shall utilize only plant material consistent with Section 22.04.184 of the San Luis Obispo County Land use Ordinance. The applicant shall keep the landscaping in good working order for the life of the project.

VS-3 **Aesthetics – Exterior Light Plan. At the time of application for construction permits**, the Applicant shall submit an Exterior Lighting Plan for County review and approval. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned "down and into" the development, and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties and Highway 101. All lighting poles, fixtures, and hoods shall be dark colored. When nighttime lighting is required for construction, temporary lighting shall be hooded to the extent consistent with safety. Lighting fixtures shall be directed away from the highway to avoid glare and, when near a residence, shall be pointed away from the residence. This requirement shall be specified in contracts with contractors and subcontractors that may require nighttime construction lighting. The Lighting Plan shall focus on keeping the lumen/light intensity level to the lowest possible while still meeting minimum safety and security requirements. These measures shall be shown on applicable construction drawings prior to issuance of construction permits and permanent lighting shall be installed prior to final inspection.

Air Quality

AQ-1 **Fugitive PM10 Mitigation Measures** (All required PM10 measures shall be shown on applicable grading or construction plans. 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. Reclaimed (nonpotable) water should be used whenever possible;
c. All dirt stock-pile areas should be sprayed daily as needed;
d. 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;
e. 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 native grass seed and watered until vegetation is established;
f. 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;
g. 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;
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
i. 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.

Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

AQ-2 "**Naturally-occurring asbestos**" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the County to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to http://www.slocleanair.org/business/asbestos.asp). **Prior to final inspection or occupancy, whichever occurs first,** when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

AQ-3 As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn

permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

AQ-4 **Prior to approval of construction permits**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.

AQ-5 **Prior to issuance of permits and commencement of construction/ground disturbing activities**, the Applicant shall provide verification on the importation of materials exceeding 2,000 cubic yard of soil from a non-adjacent site for the construction of the project and shall comply with conditions set forth in the Land Use Ordinance Section 22.52.160(c)(2) below:

a. Limit the distance between the project site and the source/ destination site;

b. Require that export/ import be phased over a specified amount of time;

c. Schedule construction truck trips during non-peak hours to reduce peak hour emissions;

d. Limit the length of the construction work-day period, if necessary; and

e. Apply trucking equipment emission reduction measures as approved by the Air Pollution Control District.

All of the above measures shall be shown on all applicable plans **prior to issuance of construction permit(s).** All vehicle operators and on-site supervisors shall be informed of these measures prior to any work commencing on site.

Prior to final inspection, the Applicant shall obtain a letter from APCD that provides verification that the approved mitigation measures for the impact from importation of materials were followed during construction.

Tree Protection

TR-1 **Nesting Birds. Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a County-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Planning Department, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.

TR-2 **Tree Removal/Protection**. The applicant shall limit tree removal to the on-site pine trees and no more than 2 coast live oak trees having a five inch diameter or larger at four feet from the ground. **Prior to construction permit issuance**, construction plans shall clearly delineate all oak trees within 50 feet of the proposed project, and shall show which trees are to be removed

or impacted, and which trees are to remain unharmed. **Prior to any ground disturbing activities**, adequate protection measures (e.g., sturdy fencing) per the approved construction plans, shall be installed to protect those trees identified to remain unharmed as well as to minimize impacts for those trees identified as being impacted. Protection measures shall remain in good working order during construction.

At the time of application for construction permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed. No more than two (2) oak trees having a five inch diameter or larger at four feet from the ground shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). 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.

Cultural Resources

CR-1 Cultural Resources - Monitoring Plan. Prior to issuance of construction permits, the Applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:

a. List of personnel involved in the monitoring activities;

b. Inclusion of involvement of the Native American community, as appropriate;

c. Description of how the monitoring shall occur;

d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);

e. Description of what resources are expected to be encountered;

f. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered "significant" archaeological resources?);

g. Description of procedures for halting work on the site and notification procedures; and

h. Description of monitoring reporting procedures.

Crew Education. The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the Applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources.

The archaeologist shall verify implementation of the Plan during construction. A final report on compliance shall be submitted by the archaeologist prior to final inspection/occupancy.

CR-2 **Cultural Resource – Construction Monitoring. During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American monitor to monitor all earth disturbing activities, per the approved monitoring plan. If any 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-3 **Cultural Resource Monitoring – Completion Report. 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.

Noise

NS-1 **Noise - At the time of application for construction permit,** the applicant shall show the following on the project plans/ drawings:

a. First floor rooms facing Highway 101 shall be constructed with window assemblies of sound rated STC 26 or higher, to achieve the required 22 dBA if interior noise reduction;

b. Second floor rooms facing Highway 101 shall be constructed with window assemblies of sound rated STC 32 or higher, to achieve the required 25 dBA of interior noise reduction;

NS-2 **Prior to final inspection of the structures**, the applicant will provide certification from an engineer qualified in noise analysis that a noise level of 45 dbA or less can be maintained inside the residence with the windows and doors closed and 60 dbA can be achieved for outdoor activity areas, when buildout of the area is considered. In the event the acceptable noise level is not reached, additional measures will be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved.

NS-2 **Prior to final inspection of the structures**, an engineer qualified in noise analysis will need to analyze the area of the proposed use as having satisfactorily installed all of the necessary acoustical measures to provide interior noise levels, at area buildout, which meet the 45 dB Ldn threshold.

DATE: December 23, 2013

DEVELOPER'S STATEMENT FOR PRIVATE CAPITAL INVESTMENTS CUP AND LLA ED13-076 (DRC2013-00003, SUB2013-00005)

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development 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.

Project Description: *Request by Private Capital Investments for a Conditional Use Permit Adjustment to allow for the construction and operation of a 96-bed assisted living facility and a 36-unit senior living apartment complex on two vacant parcels. The project is located south of Juniper Street, bordered by Mary Avenue and North Frontage Road, in the community of Nipomo. The site is in the South County Inland planning area.*

Aesthetics

VS-1 **At the time of application for construction permit,** the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment.

VS-2 **Prior to construction permit issuance,** the applicant shall submit landscape/irrigation/landscape maintenance plan(s) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The Plan shall be prepared as provided in Section 22.04.186 of the San Luis Obispo County Land Use Ordinance and shall provide vegetation that will adequately blend the new development, including driveways and parking areas into the surrounding environment, and will screen glare from the buildings onto adjacent properties.

The landscape plan shall utilize only plant material consistent with Section 22.04.184 of the San Luis Obispo County Land use Ordinance. The applicant shall keep the landscaping in good working order for the life of the project.

VS-3 **At the time of application for construction permits,** the Applicant shall submit an Exterior Lighting Plan for County review and approval. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned "down and into" the development, and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties and Highway 101. All lighting poles, fixtures, and hoods shall be dark colored. When nighttime lighting is required for construction, temporary lighting shall be hooded to the extent consistent with safety. Lighting fixtures shall be directed away from the highway to avoid glare and, when near a residence, shall be pointed away from the residence. This requirement shall be specified in contracts with contractors and subcontractors that may require nighttime construction lighting. The Lighting Plan shall focus on keeping the lumen/light intensity level to the lowest possible while still meeting minimum safety and security requirements. These measures shall be shown on applicable construction drawings prior to issuance of construction permits and permanent lighting shall be installed prior to final inspection.

Monitoring (Items VS-1 – VS-3): The Planning and Building Department, in consultation with the Environmental Coordinator, shall verify compliance.

Air Quality

AQ-1 **Fugitive PM10 Mitigation Measures** (All required PM10 measures shall be shown on applicable grading or construction plans. 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. Reclaimed (nonpotable) water should be used whenever possible;

c. All dirt stock-pile areas should be sprayed daily as needed;

d. 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;

e. 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 native grass seed and watered until vegetation is established;

f. 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;

g. 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;

h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

i. 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.

Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

AQ-2 **"Naturally-occurring asbestos"** has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance,** a geologic investigation will be prepared and then submitted to the County to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to http://www.slocleanair.org/business/asbestos.asp). **Prior to final inspection or occupancy,** whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

AQ-3 As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

AQ-4 **Prior to approval of construction permits,** the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.

AQ-5 **Prior to issuance of permits and commencement of construction/ground disturbing activities,** the Applicant shall provide verification on the importation of materials exceeding 2,000 cubic yard of soil from a non-adjacent site for the construction of the project and shall comply with conditions set forth in the Land Use Ordinance Section 22.52.160(c)(2) below:

a. Limit the distance between the project site and the source/ destination site;
b. Require that export/ import be phased over a specified amount of time;
c. Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
d. Limit the length of the construction work-day period, if necessary; and
e. Apply trucking equipment emission reduction measures as approved by the Air Pollution Control District.

All of the above measures shall be shown on all applicable plans prior to issuance of construction permit(s). All vehicle operators and on-site supervisors shall be informed of these measures prior to any work commencing on site.

Prior to final inspection, the Applicant shall obtain a letter from APCD that provides verification that the approved mitigation measures for the impact from importation of materials were followed during construction.

Monitoring (Items AQ1 – AQ5): The Planning and Building Department, in consultation with APCD, shall verify compliance.

Tree Protection

TR-1 **Nesting Birds. Prior to commencement of any tree removal,** to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a County-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Planning Department, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.

TR-2 **Tree Removal/Protection.** The applicant shall limit tree removal to the on-site pine trees and no more than 2 coast live oak trees having a five inch diameter or larger at four feet from the ground. **Prior to construction permit issuance,** construction plans shall clearly delineate all oak trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. **Prior to any ground disturbing activities,** adequate protection measures (e.g., sturdy fencing) per the approved construction plans, shall be installed to protect those trees identified to remain unharmed as well as to minimize impacts for those trees identified as being impacted. Protection measures shall remain in good working order during construction.

At the time of application for construction permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The

plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed. No more than two (2) oak trees having a five inch diameter or larger at four feet from the ground shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). 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.the spread of invasive species. No pets shall be allowed on the construction site.

Monitoring (Items TR-1 and TR-2) : The Planning and Building Department, in consultation with the Environmental Coordinator, shall verify compliance.

Cultural Resources

CR-1 **Cultural Resources - Monitoring Plan. Prior to issuance of construction permits,** the Applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:

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

Crew Education. The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the Applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources.

The archaeologist shall verify implementation of the Plan during construction. A final report on compliance shall be submitted by the archaeologist prior to final inspection/occupancy.

CR-2 **Cultural Resource – Construction Monitoring. During all ground disturbing construction activities,** the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American monitor to monitor all earth disturbing activities, per the approved monitoring plan. If any 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-3 **Cultural Resource Monitoring – Completion Report. 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.

Monitoring (CR-1 – CR-3): The Planning and Building Department, in consultation with the Environmental Coordinator, consulting archaeologist, and Native American monitor, shall verify compliance.

Noise

NS-1 **Noise - At the time of application for construction permit,** the applicant shall show the following on the project plans/ drawings:

a. First floor rooms facing Highway 101 shall be constructed with window assemblies of sound rated STC 26 or higher, to achieve the required 22 dBA if interior noise reduction;

b. Second floor rooms facing Highway 101 shall be constructed with window assemblies of sound rated STC 32 or higher, to achieve the required 25 dBA of interior noise reduction;

NS-2 **Prior to final inspection of the structures,** the applicant will provide certification from an engineer qualified in noise analysis that a noise level of 45 dbA or less can be maintained inside the residence with the windows and doors closed and 60 dbA can be achieved for outdoor activity areas, when buildout of the area is considered. In the event the acceptable noise level is not reached, additional measures will be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved.

NS-3 **Prior to final inspection of the structures,** an engineer qualified in noise analysis will need to analyze the area of the proposed use as having satisfactorily installed all of the necessary acoustical measures to provide interior noise levels, at area buildout, which meet the 45 dB Ldn threshold.

Monitoring (Items NS-1 – NS-2): The Planning and Building Department shall verify compliance.

The applicant understands that any changes made to the project description 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.

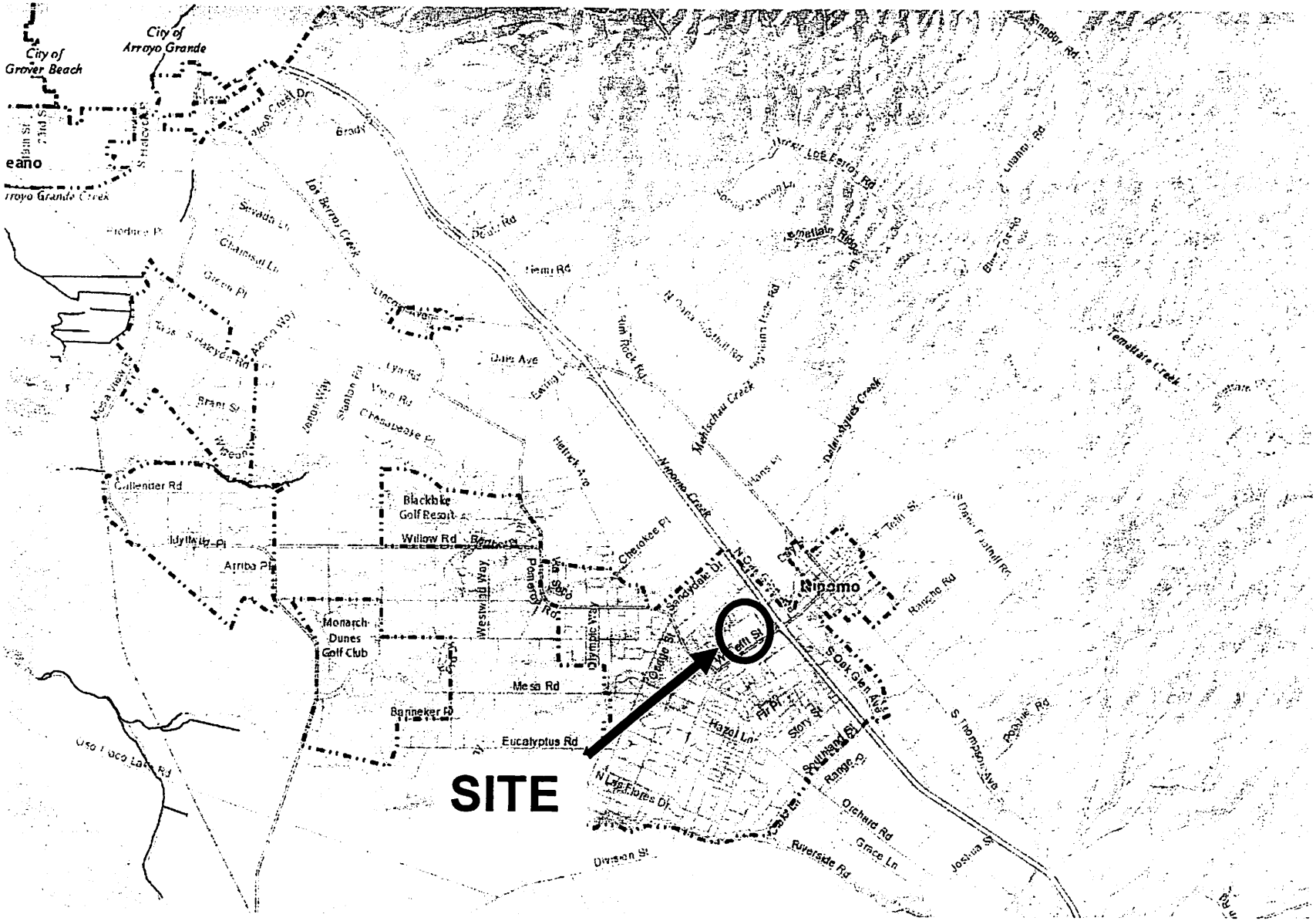
Gary Bowers, Pres. GARY BOWERS 12/23/13

Signature of Owner(s) **Name (Print)** **Date**

PRIVATE CAPITAL INVESTMENTS
3201 DANVILLE BLVD. #170
ALAMO, CA. 94507

O (925) 837-1314 X12
F (925) 855-1212
C (925) 323-5555

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

CUP and LLA
Private Capital DRC2013-00003 & SUB2013-00005

EXHIBIT

Vicinity Map

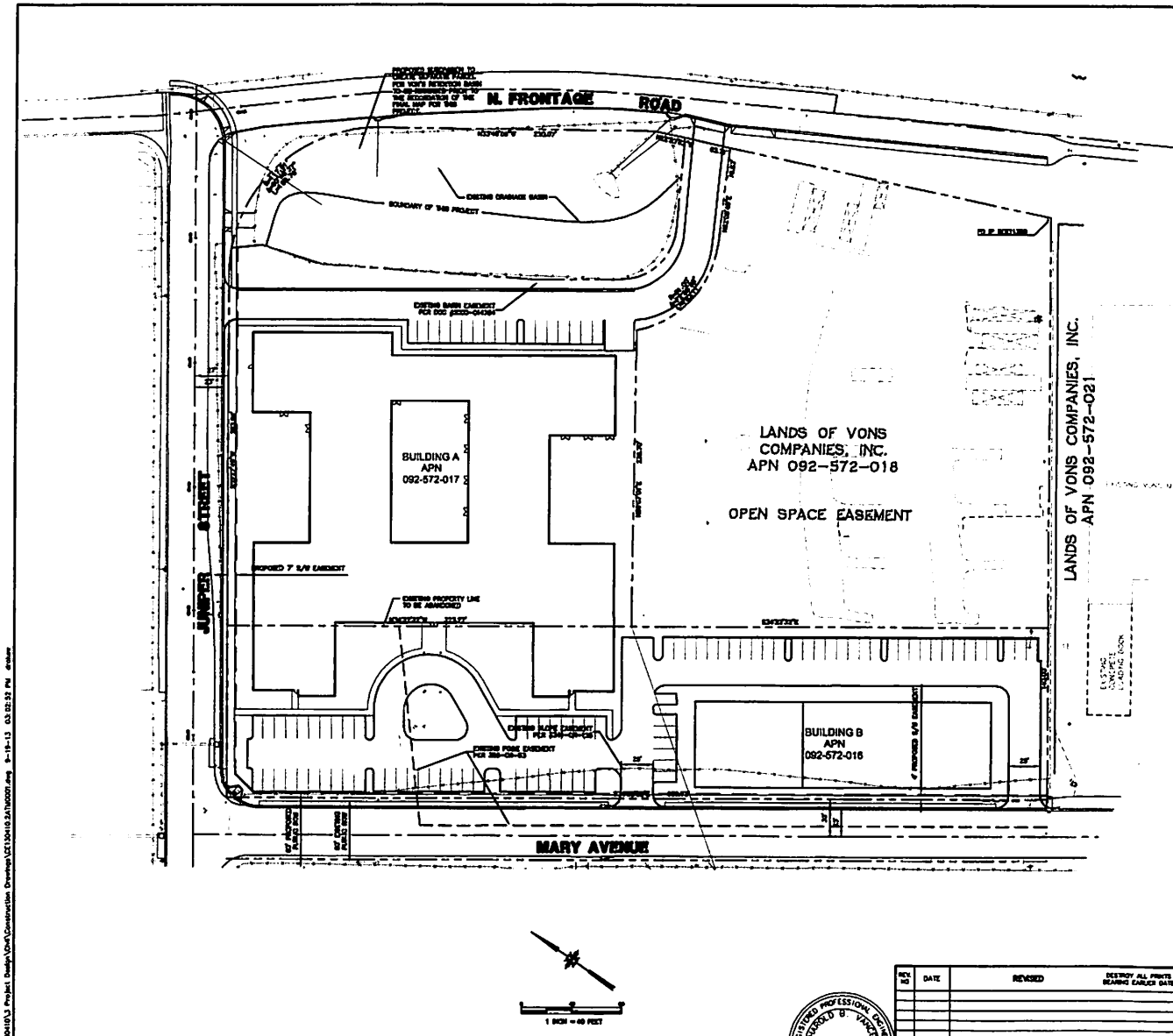
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

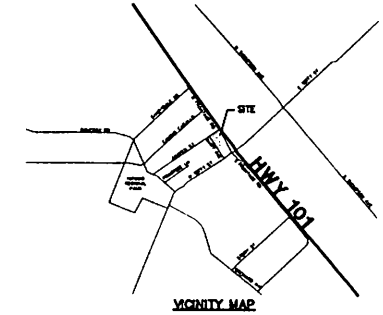
PROJECT

CUP and LLA
Private Capital DRC2013-00003 & SUB2013-00005

EXHIBIT

Land Use Category Map





VICINITY MAP

LEGEND

TRACT BOUNDARY	
PROPERTY LINE	
EASEMENT	
EXISTING PL	
CENTERLINE	
FOUND MONUMENT	⊕
FOUND CENTERLINE MONUMENT IN WELL	▼
PROPERTY LINE	PL
RIGHT-OF-WAY	ROW
PUBLIC UTILITY EASEMENT	PUE
IRON PIPE	IP
REBAR	RBR

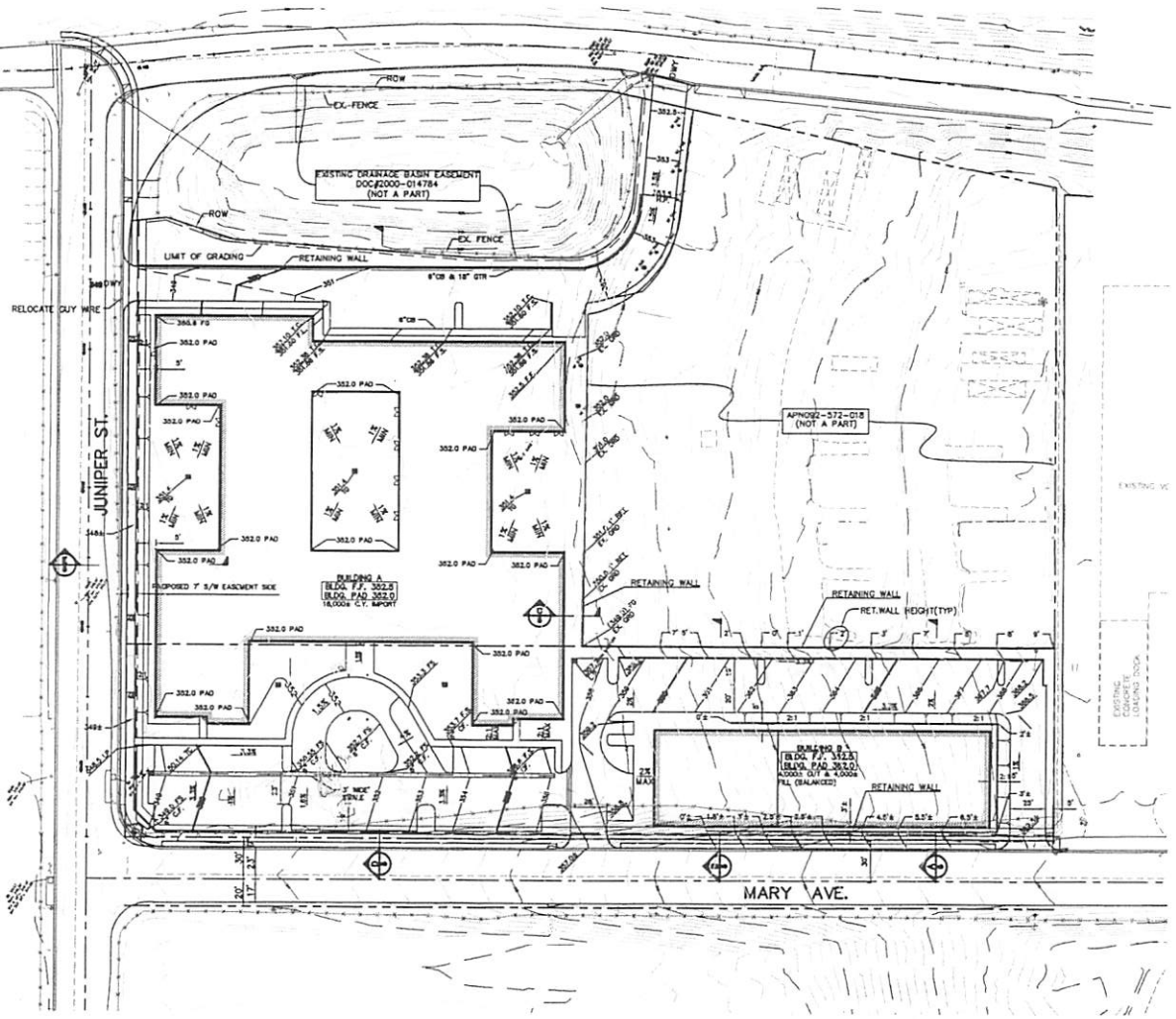
REGISTERED PROFESSIONAL ENGINEER
HAROLD B. VANCE
NO. C053729
EXP. 06/30/13
CIVIL
STATE OF CALIFORNIA

REV. NO	DATE	REVISED	DESTROY ALL PRINTS BEARING EARLIER DATE	REV. BY	CKD. BY	APPD. BY

Cannon

NIPOMO OAKS
ASSISTED LIVING AND
MEMORY CARE CENTER
TENTATIVE
SITE PLAN
NIPOMO, CA

DRAWN BY	DATE	CA JOB NO.
HSV	06/27/2013	130410
CHECKED BY	SCALE	SHEET
	1" = 40'	2 of 8



VICINITY MAP

ESTIMATED EARTHWORK QUANTITIES

CUT	43,800 CY	–
FILL	–	92,700 CY
IMPORT (OAK TERRACE)	40,000 CY	–
RETENTION BASIN SPOILS	9,200 CY	–
COMPACTION (10%)	–	9,200 CY
IMPORT/TRENCH SPOILS	8,900 CY	–
TOTALS	101,900 CY	101,900 CY

THESE QUANTITIES ARE FOR INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE USED FOR BIDDING. ACTUAL QUANTITIES MAY VARY DEPENDING ON SOIL CONDITIONS. CONTRACTORS SHALL PREPARE THEIR OWN CALCULATIONS FOR BID.

LEGEND

RETAINING WALL	
EXISTING CONTOURS	
FINISHED GRADE CONTOURS	
DIRECTION OF FLOW	
EMERGENCY OVERLAND RELEASE	
FINISHED FLOOR	FF
TOP OF WALL	TOW
BOTTOM OF WALL	BOW

1 INCH = 60 FEET

REGISTERED PROFESSIONAL ENGINEER
HAROLD B. VANCE
NO. C053729
EXP. 06/30/13
CIVIL
STATE OF CALIFORNIA

REV. NO	DATE	REVISED — DESTROY ALL PRINTS BEARING EARLIER DATE	REV. BY	CKD. BY	APRD BY

Cannon
1050 Southwood Drive
San Luis Obispo, CA 93401
P 805.544.3407 F 805.544.3863

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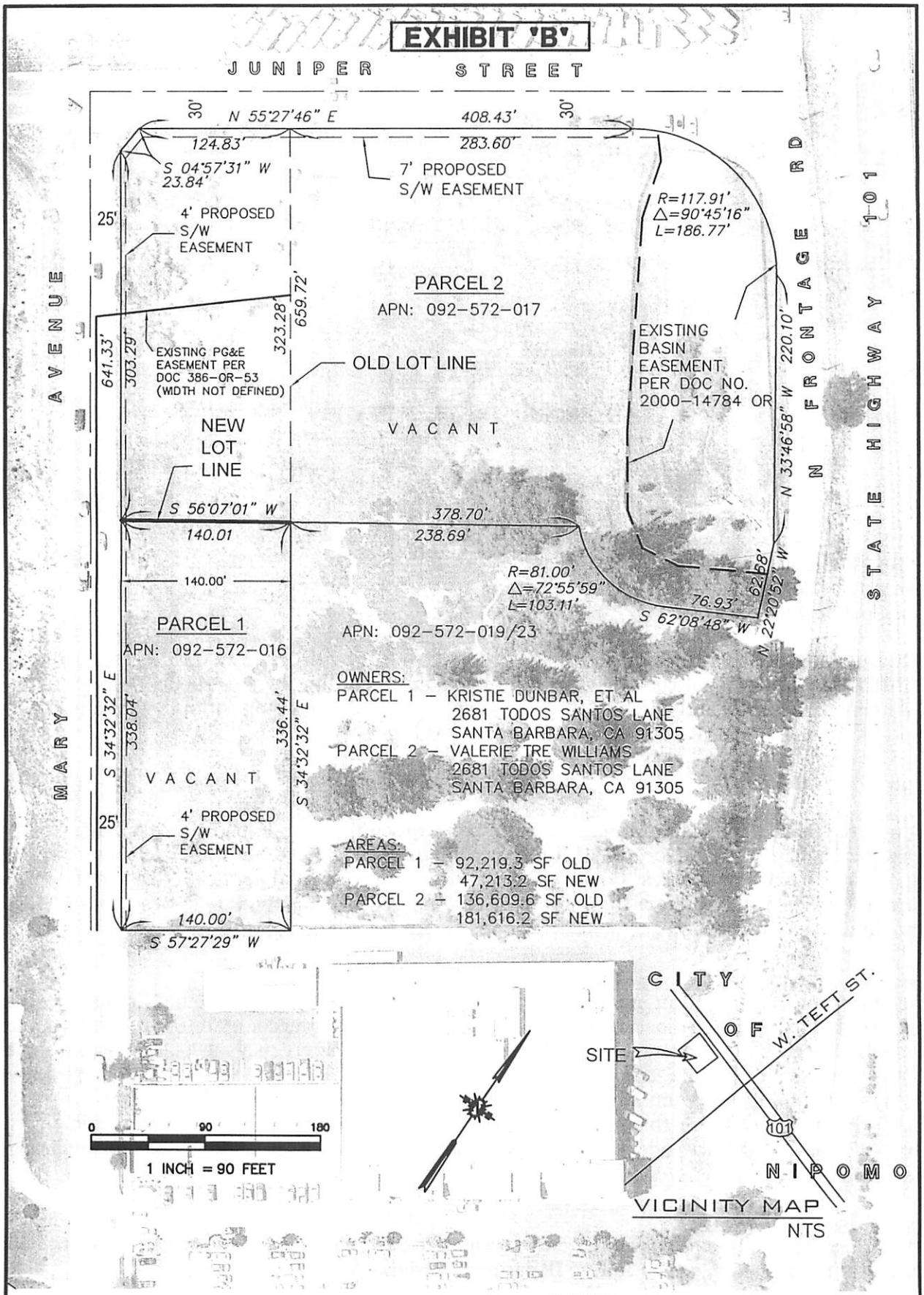
NIPOMO OAKS ASSISTED LIVING AND MEMORY CARE CENTER
PRELIMINARY GRADING PLAN
NIPOMO, CA

DRAWN BY	HBV	DATE	08/27/2013
CHECKED BY		SCALE	1" = 40'
		CA JOB NO.	130410
		SHEET	3 OF 5

F:\Jobs\2013\130410\13 Project Design\Civil\Construction Drawings\GE130410.2ASP0001.dwg 9-19-13 03:09:31 PM drakew

EXHIBIT "B"



LEGEND:

S/W = SIDEWALK
L = LENTGH
R = RADIUS
Δ = CURVE DELTA

Cannon

1050 Southwood Drive
San Luis Obispo, CA 93401
P 805.544.7407 F 805.544.3863

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LOT LINE ADJUSTMENT COAL • 13-0075 EXHIBIT "B"	PORTION LOT 8, BOOK "A", PAGE 20 OF MAPS		
	COUNTY OF SAN LUIS OBISPO, CALIFORNIA		
	DRAWN BY: CJB	CHECKED BY: LC	DATE: 9/19/2013

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 10, 2013

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA. 93408

Subject: DRC2013-00003 SUB 2013-0005
PRIVATE CAPITAL – Conditional Use Permit and lot line adjustment for the construction and operation of a bed assisted living care facility and 36 unit senior living apartment complex along with the lot line adjustment of two parcels. 5.20 acre site located off W Tefft in Nipomo APN 092-572-016 and 017.

Brian Pedrotti

I have reviewed the project referral information submitted for the proposed 96 bed assisted living facility and lot line adjustment. The project is located within a ***"moderate"*** fire hazard severity zone with a minimum **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.

Concerns
The proposed project will generate an increase in emergency responses required from the Nipomo Fire Station. Comparative assisted living and senior facilities in San Luis Obispo County account for 8-15% of the annual call volume for the fire service, which averages 1-2 calls per bed increase in emergency medical services responses. Similar to other projects in Nipomo, this project will continue to add call volume at a station that is currently handling a high volume of calls, and simultaneous requests for emergency service. Previous, current, and future projects, particularly those that are known to generate significant additional needs for emergency response, have a strong potential to add a cumulative impact on emergency services staffing and public services within the community.

Public assemblage and events
Special events must first complete all requirements pursuant to San Luis Obispo County Land Use ordinance and building permit requirements prior to Fire Department review.

Prior to Fire Department Review, proposed event area must first complete all requirements pursuant to Title 22, the San Luis Obispo County Land Use Ordinance. This includes receiving any necessary land use permit approval and issuance of construction and Conditional Use Permit requirements.

A fire safety review is required to ensure public safety in a place of assembly, or any other place where people congregate, including but not limited to; amusement buildings, carnivals and fairs, exhibits and trade shows, open burning, flames and torches, candles, places of assembly, temporary membranes structures and tents, pyrotechnics and special effects, live audiences and any event with public attendance over 250.

A written plan must be submitted to the fire code official 30 days prior to the event. Written submittal requirements will be in accordance with Section 404 Fire Safety and evacuation plans. A field inspection verifying compliance of fire and life safety conditions must be conducted prior to public occupancy of the event. If modifications or additions to the event areas are made, an updated permit & inspection must be completed.

When the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants, and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety. Submittal requirements can be found on line at www.calfireslo.org

Fire Safety and Evacuation Plans

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

Fire evacuation plans. Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for assisted rescue for persons unable to use the general means of egress unassisted.
4. Procedures for accounting for employees and occupants after evacuation has been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

Fire safety plans. Fire safety plans shall include the following:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy and procedures for notifying, relocating or evacuating occupants, including occupants who need assistance.
3. Site plans indicating the following:
4. The occupancy assembly point.
5. The locations of fire hydrants.
6. The normal routes of fire department vehicle access.

Floor plans identifying the locations of the following:

1. Exits.
2. Primary evacuation routes.
3. Secondary evacuation routes.
4. Accessible egress routes.
5. Areas of refuge.
6. Exterior areas for assisted rescue.
7. Manual fire alarm boxes.
8. Portable fire extinguishers.
9. Occupant-use hose stations.
10. Fire alarm annunciators and controls.

Fire Safety and Evacuation Plans continued:

1. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.
2. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
3. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

Construction

The building type of construction shall meet all applicable California Building Code I Occupancy requirements including smoke barriers, fire rated corridors and licensed hospice facilities shall only allow bed ridden clients on the first floor.

Roof Access:

New buildings two or more stories above grade plane, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3-percent slope), shall be provided with a stairway to the roof or other access to the roof for emergency personnel approved by the fire code official. Stairway access to the roof shall be in accordance with Section 1009. Such stairway or other approved access shall be marked at street and floor levels with a sign indicating that the stairway or access continues to the roof. Where roofs are used for roof gardens or for other purposes, stairways shall be provided as required for such occupancy classification.

Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access and in any parking structure.

A building that is greater than 20,000 square feet (1.858 m2) of floor area and greater than18 feet (5.49 m) in height shall have a dry or wet standpipe system with a 2 ½ inch (64 mm) outlet at the roof near the roof access. Location of the outlet and the fire department connection to the standpipe shall be labeled and approved by the fire code official.

Water Supply Connection:

A will serve letter from the local water purveyor must be submitted to CAL FIRE prior to final of this project. The number and distribution of hydrants must meet CFC section 507. 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. **Hydrant locations and water storage must be designed by a Fire Protection Engineer.**

Fire Protection Systems:

A Fire Alarm System is required. The alarm system shall terminate at a 24-hour monitoring point (CFC Chapter 15 - Section 907). Two sets of plans shall be submitted to the County Fire Department for review and approval.

Automatic Sprinkler System

An automatic Sprinkler system is required. A Fire Protection Engineer shall review the proposed 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.

The type of sprinklers required will depend upon the occupancy classification type of the structures and must comply with NFPA 13. The automatic fire extinguishing system shall comply with the National Fire Protection Association (NFPA) 13. 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. A licensed alarm company shall monitor the fire sprinkler and alarm system.

The fire department connections (FDC) supporting the required fire sprinkler systems shall be located within 20 feet of a San Luis Obispo County Dept. of Public Works/County Fire standard fire hydrant and visible on fire engine approach to the building. The Registered Fire Protection Engineer shall design the fire sprinkler system accordingly.

Exiting:
All egress and exiting components shall comply with Chapter 10 of the 2010 CA. Fire Code. Fencing around the structure must provide clear and unobstructed exit pathways to gates installed with panic hardware, to ensure uninhibited egress away from structure and enclosures. Specifically staff rest areas and event areas must provide exiting in accordance with above noted code.

Defensible Space and Construction Type:
Each building site will be built with a "Defensible Space". PRC 4291 requires all structures to provide a 100 foot clearance free of flammable vegetation. This does not mean all vegetation must be removed but that the vegetation shall not provide a means of readily transmitting fire. The construction type should be designed to withstand a wildfire. All landscaping should be of fire resistive plants, preferably natives.

Commercial Access Road(s):
- A commercial access road must be 24 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 Fire Apparatus.
- Vertical clearance of 13'6" is required.

Emergency Access:
All commercial buildings and gates shall install a Knox key box and gate switch for fire department emergency access – CFC Section 506.1. The box and switch 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) 543-4244.

Gates:
- Must be setback a minimum of 30 feet from the SLO County maintained road
- 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) 543-4244.
- 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 at each gate.

Addressing:
Address numbers must be legible from the roadway on all buildings. They shall be of a contrasting background and a minimum of 8 inches high with a ½" stroke for commercial projects. All occupancies shall have a distinct address. 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. All addressing and placement of street or road signs shall be done in accordance with CFC Section(s) 505.1 and 505.2.

Signage:
Designated mechanical, electrical, and fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs shall be constructed of durable materials, permanently installed and readily visible. CFC section 509.

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.

Combustible waste material:
Every building or portion of a building shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or a condition which would add to or contribute to the rapid spread of fire. CCR Title 19 Division 1.

Refuse containers must not be stored within 5 feet of combustible walls, openings, or combustible roof eaves, unless the refuse container is protected by an automatic sprinkler system installed in accordance with CFC section 903.

Storage containers and or maintenance structures and/or rooms must meet all applicable CFC requirements and NFPA 704 required placarding.

Fire Safety during Construction:
Prior to construction, an operational water supply system and established access roads must be installed in accordance with CFC Section 501.4. 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.

If I can provide additional information or assistance on this matter, please don't hesitate to contact me at (805) 543-4244. Ext. 3422

Sincerely,

Laurie Donnelly
Battalion Chief/Fire Marshal

cc: Private Capital Investments

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SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

August 20, 2013

Brian Pedrotti
Inland Team/Development Review
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: APCD Comments Regarding DRC2013-00003/SUB2013-00005 PRIVATE CAPITAL – 96-bed assisted living facility in Nipomo

Dear Mr. Pedrotti,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of DRC2013-00003/SUB2013-00005 PRIVATE CAPITAL. Private Capital Investments proposes to construct a new 96 bed assisted living facility in Nipomo. The address being used for the project is 563 Juniper St., Nipomo, CA / 187 N. Frontage Rd., Nipomo, CA.

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

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter, with special attention to items that are highlighted by bold and underlined text**.

CONSTRUCTION PHASE IMPACTS

From the limited information that was provided, the APCD's preliminary emission estimate using the CalEEMod computer model indicates that the construction phase emissions will be approximately 182 lbs/day which exceeds the APCD's daily (ROG + NO_x) emission threshold. **Prior to grading permit issuance, and at least three months before construction activities are to begin, the applicant needs to demonstrate how the construction phase impacts will be below the level of significance as identified in the APCD's CEQA Handbook.**

T 805.781.5912 F 805.781.1002 W slocleanair.org 3433 Roberto Court, San Luis Obispo, CA 93401

Standard Mitigation Measures for Construction Equipment

The standard construction equipment mitigation measures for reducing nitrogen oxide (NO_x), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions are listed below and in section 2.3.1 of the APCD's 2012 CEQA Handbook. **These measures are applicable to all projects where construction phase emissions exceed APCD thresholds:**

- Maintain all construction equipment in proper tune according to manufacturer's specifications;
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NO_x exempt area fleets) may be eligible by proving alternative compliance;
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Asbestos / Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2012 CEQA Handbook, Technical Appendix 4.4). If the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), the following requirements apply. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (93105), **prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the regulation. An exemption request must be filed with the APCD.** If the site is not exempt from the requirements of the regulation, 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. More information on NOA can be found at http://www.slocleanair.org/business/asbestos.php.

Demolition Activities

The project referral indicates the proposed site is vacant land. 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 of utility pipes and pipelines. **If utility pipelines are scheduled for removal or relocation, this project may be subject to various regulatory jurisdictions, 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 requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule. **Projects with grading areas that are greater than 4-acres (the project referral indicates the site is 5.2 acres) or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402):**

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. Reclaimed (non-potable) water should be used whenever possible;
c. All dirt stock pile areas should be sprayed daily as needed;
d. 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;
e. 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;
f. 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;
g. 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;
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
i. 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;
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

k. 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;
l. All PM_{10} mitigation measures required should be shown on grading and building plans; and,
m. 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. 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.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Diesel engines,
- Portable generators and equipment with engines that are 50 hp or greater,
- Electrical generation plants or the use of standby generator
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc)

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Truck Routing

Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals. If the project has significant truck trips where hauling/truck trips are routine activity and operate in close proximity to sensitive receptors, toxic risk needs to be evaluated.

OPERATIONAL PHASE IMPACTS

The APCD staff considered the operational impact of this development by running the CalEEMod computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. The CalEEMod estimate indicated that operational phase impacts will likely be less than the APCD's CEQA significance thresholds for ROG + NO_x, diesel particulate matter (DPM), fugitive particulate matter (PM_{10}) and greenhouse gases as identified in Table 3-2 in the CEQA Handbook. **Therefore, with the exception of the requirements below, the APCD is not requiring other operational phase mitigation measures for this project.**

Operational Permit Requirements

Based on the information provided, it is not clear what types of equipment may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Boilers;
- Internal combustion engines;
- Sterilization units(s) using ethylene oxide and incinerator(s); and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. **To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

Health Risk Assessment –Type B - New Project that places Sensitive Receptors Near Toxic Source

This project has the potential to place sensitive receptors (residents in assisted living facility) in close proximity to toxic or hazardous air pollutants (emissions from vehicles on US Highway 101 and emissions from nearby gas stations). Sensitive receptor locations include schools, residential dwellings, parks, day care centers, nursing homes, and hospitals. Health impacts may be significant due to increased cancer risk for the affected population, even at a very low level of emissions.

In July 2009, the California Air Pollution Control Officers Associations (CAPCOA) adopted a guidance document, "***Health Risk Assessments For Proposed Land Use Projects***," to provide uniform direction on how to assess the health risk impacts from and to proposed land use projects. The CAPCOA guidance document focuses on how to identify and quantify the potential acute, chronic, and cancer impacts of sources under CEQA review. As defined in the CAPCOA guidance document there are basically two types of land use projects that have the potential to cause long-term public health risk impacts and are named Type A and Type B.

This project is considered a Type B project, new land use projects that will place sensitive receptors in close proximity to existing toxics sources. The APCD has established a CEQA health risk threshold of **89 in-a-million** for the analysis of projects proposed in close proximity to toxic sources. This value represents the population weighted average health risk caused by ambient background concentrations of toxic air contaminants in San Luis Obispo County.

A refined health risk assessment for this project prepared by the applicant's consultant (Michael Brandman Associates, April 2012) demonstrated that the health risk from existing toxic sources within 1000 feet of the proposed facility was found to be 27.7 in-a-million, less than the APCD risk threshold of 89 in-a-million.

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

Sincerely,

Gary Arcemont
Air Quality Specialist

GJA/arr

cc: Tim Fuhs, Enforcement Division, APCD
Karen Brooks, Enforcement Division, APCD
Private Capital Investments, 3201 Danville Blvd., Alamo, CA 94507, Attn: Gary

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NIPOMO COMMUNITY SERVICES DISTRICT

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(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

June 12, 2013

This is not a Will Serve letter

Valerie Williams,
C/O Gary Bowers
Private Capital Investments
3201 Danville Boulevard, #170
Alamo, CA 94507

SUBJECT: INTENT-TO-SERVE WATER, SEWER AND SOLID WASTE SERVICE
NIPOMO OAKS ASSISTED LIVING AND MEMORY CARE CENTER
2 LOT COMMERCIAL DEVELOPMENT, APNS 092-572-016 and 092-572-017
MARY AVENUE AND JUNIPER STREET, NIPOMO, CA

An Intent-to-Serve letter for District services including water, sewer and solid waste service for the Nipomo Oaks Assisted Living and Memory Care Center, a proposed project located on two (2) commercial parcels (APNs 092-572-016 and 092-572-017) on the southeast corner of Mary Avenue and Juniper Street in Nipomo (the "Project"), is granted with conditions.

This Intent-to Serve-letter is limited to the Project as described above.

This Intent-to-Serve Letter shall be effective upon Owner's signature below. The Applicant must return a signed copy of the Intent-to-Serve Letter within thirty (30) days of issuance.

The following conditions must be satisfied prior to the Nipomo Community Services District (District) issuing a Project Will Serve Letter:

GENERAL CONDITIONS

The following conditions must be satisfied prior to the District issuing a Will Serve Letter:

- The Project shall obtain solid waste, sewer and water service for all parcels.
- Each parcel shall be served by a single appropriately sized meter and backflow assembly for indoor use. Water meter capacity charges will be applicable.
- Each parcel shall be served by a single 1 inch meter and backflow assembly for outdoor use. Irrigation meter capacity charges will be applicable.
- Each new parcel shall be served by a single appropriately sized fire service and backflow assembly as required by CAL FIRE of SLO County. CAL FIRE of SLO County must approve the development plans prior to District approval. Fire service capacity charges will be applicable.

- Record a restriction, subject to District approval, on the property prohibiting the use of well(s) to provide water service to any parcel within the Project.
- Properly abandon any existing groundwater wells and provide documentation to District.
- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development. The capacity charges for both parcels are currently estimated at $314,144.26 based on the current District fee schedule assuming one (1) 1.5-inch domestic meter, one (1) 2-inch domestic meter, two (2) 1-inch irrigation meters, two (2) 4-inch fire connections, as well as two (2) sewer connections.
- Fees are subject to change by Board of Directors and will be based on actual meter sizes required to serve the project in accordance with District standards.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement and provide a deposit.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. Applicant shall provide plans consistent with current District Standards and based on the proposed lot configuration.
- A sewer and water master plan review of project impacts will be required. At a minimum, the applicant shall install a replacement sewer collection line in Juniper from the east side of Mary to the junction of Juniper with Frontage Road.
- Discharge of fats, oils and grease to the sanitary sewer system shall be prohibited. Applicant shall provide plans for grease removal measures to be installed.
- Any easements required for water and sewer improvements that will be dedicated to the District shall be offered to the District prior to final improvement plan approval.
- Any easements required for private water and sewer laterals shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All water and sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name prior to issuance of Will-Serve letter.
- An irrigation plan, a plant material layout plan, a plant material list (if not included in the plant material layout plan), and a hardscape plan, if there are any water features (such as fountains and swimming pools) included in the project, shall be submitted for review and approval prior to issuance of Will-Serve letter.
- A Will-Serve letter for the Project will be issued after improvement plans are approved and signed by the District.
- Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will Serve Letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.

CONDITIONS TO SETTING WATER METERS

- Construct the improvements required and submit the following:
  - Reproducible "As Builts" - A mylar copy and digital format disk (AutoCAD) which includes engineer, developer, tract number and water and sewer improvements
  - Offer of Dedication
  - Engineer's Certification
  - Summary of all water and sewer improvement costs

- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo, the District's acceptance of improvements to be dedicated to the District, if applicable, and the final payment of all charges and fees owed to the District.

AUTOMATIC TERMINATION

- This letter is void if land use is other than commercial use as defined by the District.
- Intent-to-Serve letters shall automatically terminate on the first to occur:
    - Failure of the Applicant to provide District with written verification that County application for the Project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
    - Three (3) years, from date of issuance. However, Applicant shall be entitled to a one-year extension upon the following conditions:
        - Applicant makes written application for the extension prior to the expiration of the Intent-to-Serve Letter.
        - Applicant provides proof of reasonable due diligence in processing the Project.
        - Applicant agrees to revisions of the conditions contained in the Intent-to-Serve letter consistent with then existing District policies.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.
- The District reserves the right to revoke this "Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

This "Intent-to-Serve" letter shall be subject to the current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District. This "Intent-to-Serve" letter may be revoked as a result of conditions imposed upon the District by a Court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors for the protection of the health, safety, and welfare of the District. The District reserves the right to revoke this "Intent-to-Serve" letter at any time.

If you have any questions, please call.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael S. LeBrun

Michael S. LeBrun, P.E.
General Manager

I, PRIVATE CAPITAL INV., am the owner of two (2) commercial parcels (APNs 092-572-016 and 092-572-017) on the southeast corner of Mary Avenue and Juniper Street in Nipomo, have read the foregoing Intent-to-Serve Letter for solid waste, sewer and water service for the proposed Nipomo Oaks Assisted Living Memory Care Center, and by my signature below, agree to the conditions contained herein.

Date: 7/5/13

Owner PRIVATE CAPITAL INVESTMENTS

GARY BOWERS, PRES

Print Name (Owner)

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 8/7/2013

AUG - 9 2013
SR 12901

TO: Env. Health

FROM: Brian Pedrotti- Inland Team/ Development Review

PROJECT DESCRIPTION: DRC2013-00003/SUB2013-00005 PRIVATE CAPITAL- Conditional use permit and lot line adjustment for the construction and operation of a 96 bed assisted living facility, along with the lot line adjustment of two parcels. 5.20 acre site located off W.Tefft in Nipomo. APN: 092-572-016 and 017.

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 I - 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.

No comment on project as it is described. If in the future the facility provides medical care or has food/drink service avail. to the public-please contact this office

9/10/13
Date

[signature]
Name

x5551
Phone

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: November 6, 2013

To: Brian Pedroti, Project Planner

From: Frank Honeycutt, Development Services Engineer

Subject: Public Works Comments on DRC2013-00003 SUB2013-00005, Private Capital CUP and LLA, West Tefft, Nipomo, APN 092-572-016 and 017 REVISED

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. This revision reflects the receipt of drainage calculations for the project from the applicant.

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. LLA Map. Please have the applicant revise and resubmit a Lot Line Adjustment Map. The map and plan set submitted is insufficient to perform an adequate review.

2. Drainage or Flood Hazard information. It is not clear how onsite drainage and storm detention will be provided. The applicant should demonstrate whether this project is entitled to use the adjacent detention basin and if it is adequate for this project. Some onsite detention is also indicated but not clarified. We have received *"Nipomo Oaks Summary of Updated Drainage Calculations"* prepared by Cannon and dated August 2, 2013. While this report appears to adequately address the drainage needs for the project, it is not signed by anyone. Drainage reports, like all engineering reports, should be signed and sealed by the registered civil engineer who is in responsible charge. Therefore please request a report that is so signed and revised as needed.

Public Works Comments:

A. The proposed project triggers Curb Gutter and Sidewalk requirements per 22.54.030. Improvement plans must be submitted to Public Works for review and approval. Prior to building permit issuance the owner must post a performance bond in accordance with the Ordinance.

B. The proposed project is within the South County Road Improvement Fee Area 1. Payment of Road Improvement Fees is required prior to building permit issuance.

C. The proposed project is within a drainage review area. Drainage plan is required to be prepared by a registered civil engineer and it will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52 of the Land Use Ordinance prior to future submittal of development permits.

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits,** public improvement plans shall be prepared in compliance with Section 22.54.030 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plans are to include, as applicable:

   a. Street plan and profile for widening **Mary Ave** to complete the project side of an A-2 urban street section fronting the property. Widening shall also accommodate a right turn lane at the intersection with Juniper Street. All existing and proposed driveways along **Mary Ave** shall be constructed or reconstructed in accordance with County Standard B-3 series drawings.

   b. Street plan and profile for widening **Juniper Street**to complete the project side of an A-2 urban street section fronting the property. All existing and proposed driveways along **Juniper Street** shall be constructed or reconstructed in accordance with County Standard B-3 series drawings.

   c. Pedestrian easements as necessary to contain all sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

   d. Drainage ditches, culverts, and other structures (if drainage calculations require).

   e. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.

2. **At the time of application for construction permits,** the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

3. **Prior to occupancy or final inspection,** a Registered Civil Engineer must certify to the Department of Public Works that the road widening improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

4. **At the time of application for construction permits,** the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

5. **Prior to occupancy or final inspection,** all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

6. **On-going condition of approval (valid for the life of the project),** and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

7. **On-going condition of approval (valid for the life of the project),** the property owner shall be responsible for operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Fees

8. **Within 30-days of permit approval or in accordance with the County Road Improvement Fee Ordinance 13.01,** the applicant shall pay South County Area 1 Road Impact Fees to the Department of Public Works in accordance with the latest adopted road fee schedule. Future development on the site shall be subject to the payment of road fees prior to building permit issuance.

Drainage

9. **At the time of application for construction permits,** the applicant shall submit complete drainage calculations for review and approval in accordance with Section 22.52.110 (Drainage) ~~or 23.05.040 (Drainage)~~ of the Land Use Ordinance. All drainage must be retained ~~or detained~~ on-site and the design of the basin shall be approved by the Department of Public Works.

~~9.~~10. **At the time of application for construction permits,** if the applicant intends to rely upon the existing drainage basin on the adjacent parcel just easterly of the project site then the applicant shall demonstrate legal drainage rights to the volume or capacity of the basin.

~~10. 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.~~

11. **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.

Stormwater Pollution Prevention

~~At the time of application for construction permits, the applicant shall demonstrate the project has incorporated at least Two County approved LID structural practices into the project. Refer to the brochure *Interim Low Impact Development Guidelines* for further information and references for LID design.~~

12. **At the time of application for construction permits,** the applicant shall demonstrate whether the project is subject to LUO Section 22.10.155 for Stormwater Management. Applicable projects shall submit the following to the County for review and approval: Stormwater Quality Plan; Conservation of natural areas narrative; Stormwater pollutant of concerns narrative; Drainage Plan; Erosion and Sedimentation Control Plan; Mechanism in place for long-term maintenance of BMPs; and Calculations for treatment control BMPs

~~13. At the time of application for construction permits, the applicant shall demonstrate whether the project is subject to LUO Section 22.10.155 for Stormwater Management. Applicable projects shall submit a Stormwater Quality Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.~~

Recycling

~~14.~~13. **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).

Offers

~~15.~~14. **Prior to issuance of construction permits,** the applicant shall offer for dedication to the public right-of-way easements by separate document for **Mary Ave and Juniper Street** road widening purposes a sufficient width as necessary to contain all elements of the roadway prism including slopes, sidewalks, driveway aprons, curb returns and other improvements. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

~~16.~~15. **Prior to issuance of construction permits,** the applicant may be required to offer for dedication to the public drainage easement(s) as necessary to contain both existing and proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.