

EXHIBIT E

TO: PLANNING COMMISSION
FROM: JEFF OLIVEIRA, ENVIRONMENTAL RESOURCE SPECIALIST
DATE: AUGUST 9, 2007
SUBJECT: Submittal of CEQA-Required Findings and Statement of Overriding Considerations for Affordable Housing Ordinances; State Clearinghouse No. 2006021100

I. PROJECT DESCRIPTION

The proposed project by the County of San Luis Obispo is the adoption of three Affordable Housing Ordinances that implement three respective programs from the San Luis Obispo County General Plan Housing Element. The three proposed programs would encourage affordable housing production and preservation of the County’s affordable housing stock to address an identified area-wide shortage of affordable housing. The Housing Element would include the following three programs:

- Program HE 1.4: Revised Residential Development Standards
- Program HE 1.9: Require Development of Affordable Housing
- Program HE 1.10: Establish Minimum Residential Multi-Family Densities

The proposed ordinances would address residential development standards, inclusionary housing, and minimum density requirements for selected residential multi-family zoned parcels.

The proposed Affordable Housing Ordinances would be applied on a Countywide basis in San Luis Obispo County and could affect the development potential of 2,540 parcels located primarily in and near urban areas of the County. Altogether, the parcels subject to the proposed ordinances would amount to a total of 3,025 acres with the environmental analysis covering the entire San Luis Obispo County (excluding incorporated areas).

The project and alternatives are described in more detail in the Affordable Housing Ordinances Final EIR, and Appendices thereto, and the staff report accompanying these findings.

The proposed Affordable Housing Ordinances project alternatives were selected for review in the EIR because of their potential to avoid or substantially lessen project impacts, or because they were required under CEQA Guidelines (e.g., the no project alternative).

Five alternatives are considered for the proposed Affordable Housing Ordinances project. Alternative 5 (Revised County Ordinances to Encourage Infill) is considered the environmentally superior alternative overall in that it includes the same buildout potential as the proposed project and concentrates more development in urban areas, rather than rural where environmental impacts are greater. Additionally, Alternative 1 (No Project Alternative) and Alternative 3 (Program HE 1.9 Exclusion) are also seen as environmentally superior to the proposed project in respect that less

overall development would occur, however because Alternatives 1 and 3 propose more development in rural areas, impacts to environmental resources would be greater.

History and Project Background

One goal of the County's proposed affordable housing ordinances is to achieve residential densities in the urban communities closer to those envisioned in the General Plan. Land was designated in the Residential Multi-Family (RMF) and Residential Single Family (RSF) land use categories (or "zones") at strategic locations and densities to provide housing affordable to local residents within close proximity to jobs, shopping, schools, and other places frequently visited.

However, the residential densities achieved in the RMF and RSF zones have fallen short of the densities envisioned in the County General Plan. This problem has been especially noticeable in the RMF zone, as described in a November 21, 2006, staff report from the County Planning and Building Department. This trend is not unique to San Luis Obispo County, as documented in a 2003 report by Solimar Research Group Inc. Both reports presented a number of reasons why planned densities are so rarely achieved.

Since the supply of such housing in urban communities did not meet the demand, some households chose to purchase or rent housing in communities or rural locations further away from the places they frequently visit. This has resulted in traffic levels rising faster than population, along with increased impacts to natural habitat areas from home site development, air pollution (PM 10) from grading activities and driving on gravel roads and air pollution (NOx) from commuters driving longer distances to work, shopping and other destinations.

If current development trends continue, these impacts will become even more severe in the future. Many of the current "Baby Boomer" residents in the county purchased their homes when housing was more affordable, and as a result, they were able to find housing reasonably close to their places of employment. As these residents reach retirement age, many of the people hired to replace them will commute longer distances in order to find housing they can afford.

In 2005, approximately 20 percent of the countywide population (53,548 persons) lived outside of urban areas (cities, towns, villages). This is expected to rise to 60,026 persons by the year 2025.

In order to reduce some of the potential environmental impacts of increased residential density in urban areas, the County proposes to require that locally-employed and/or existing residents receive first priority to rent or buy any affordable housing units produced as a result of the proposed ordinances.

In order to prevent potential environmental impacts of increased residential density in rural areas, the County proposes that the affordable units required in conjunction with development in rural areas be provided, avoiding prime agricultural soils and active agricultural production, at off-site locations within urban or village reserves, or that the affordable units be provided as farm support quarters.

In combination with the County's existing Growth Management Ordinance (Title 26 of the SLO County Code), the proposed affordable housing ordinances would have the effect of directing some residential development away from rural areas and into urban areas, and therefore closer to locations of employment, shopping, schools, etc.. In other words, if the affordable housing

ordinances are successful in raising actual densities on RMF and RSF land within urban communities, more GMO allotments will be used in the urban areas and less will remain for rural developments. Also, the additional supply of housing within urban areas will satisfy more housing demand, so in theory, there may be less demand for new rural housing units.

II. THE RECORD

For the purposes of CEQA and the Findings IV-V, the record of the Planning Commission and Board of Supervisors relating to the application includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission and Board of Supervisors during the public hearings on the project.
2. The Affordable Housing Ordinances Final EIR (June 2007).
3. The Affordable Housing Ordinances application and supporting materials.
4. The Affordable Housing Ordinances Staff Report prepared for the Planning Commission/Board of Supervisors.
5. Matters of common knowledge to the Commission/Board which it considers, such as:
 - a. The County General Plan, including the land use maps and elements thereof;
 - b. The text of the Land Use Element;
 - c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
 - d. The County of San Luis Obispo Environmental Quality Act Guidelines;
 - e. The County Annual Resources Summary Report;
 - f. The Clean Air Plan, and South County Air Quality Mitigation Program;
 - g. The SLO County Public Facilities Financing Plan;
 - h. The Countywide Settlement Pattern Strategy Phase 1 and 2 Reports;
 - i. The Countywide Growth Management Ordinance;
 - j. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
 - k. Additional documents referenced in the Final EIR for the Affordable Housing Ordinances.

III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Board of Supervisors recommends to certify the following with respect to the Affordable Housing Ordinances Final EIR:

- A. The Board of Supervisors has reviewed and considered the Affordable Housing Ordinances Final EIR.

- B. The Final Environmental Impact Report for the Affordable Housing Ordinances has been completed in compliance with the California Environmental Quality Act.
- C. The Final Environmental Impact Report, and all related public comments and responses have been presented to the Planning Commission and Board of Supervisors, and they have reviewed and considered the information contained in the Final Environmental Impact Report and testimony presented at the public hearings prior to approving the Affordable Housing Ordinances.
- D. The Affordable Housing Ordinances Final EIR reflects the independent judgment of the Board of Supervisors, acting as the lead agency for the project.

IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)

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

A. Public Services and Utilities (Class III)

1. Impact PS-1. The proposed Affordable Housing Ordinances would modify current development standards, leading to increased population and increased wastewater flows. This could exceed flow capacities and/or require improvements to the wastewater conveyance systems. In areas where septic systems treat wastewater, health hazards and/or impacts to water quality could occur. Compliance with applicable County policies and payment of required development impact fees would ensure Class III, less than significant, impacts.

a. Mitigation – No mitigation is required beyond standard County conditions of approval. No mitigation is required beyond standard County conditions of approval. Future development in urban areas (where community sewer systems are available) would be required to pay impact fees to fund improvements and offset impacts on County treatment plants. With payment of these fees, impacts to wastewater conveyance systems throughout the County would be less than significant. For development in areas where dwelling units would not be serviced by a community provider, wastewater treatment systems would be required to comply with Title 19 of the County Code (Sections 19.22.222 and 19.22.224) to ensure septic system design and capacities are adequate. Compliance with this policy would ensure less than significant impacts.

It should be noted that, in accordance with Section 19.10.030 of the County code, the construction of any building requiring a new or enlarged sewage disposal system or sewage holding tank system within the community of Baywood Park and Los Osos and adjoining areas is not allowed. Pursuant to Section 19.10.031, the temporary building moratorium established by Section 19.10.030 shall be in full force and effect until such time as a sewage collection, treatment and disposal system is installed to serve all of the required territory.

- a. Findings** – Compliance with County code Sections 19.22.222 and 19.22.224, in addition to required fees, would ensure less than significant impacts.
- b. Supportive Evidence** - Please refer to pages 4.8-27 through 4.8-29 of the Final EIR.

2. **Impact PS-4.** The proposed Affordable Housing Ordinances would modify current development standards, leading to increased population and associated demand for police protection and emergency medical services. With payment of development impact fees, this is a Class III, less than significant, impact.
 - a. **Mitigation** – Beyond the required fees described in the impact statement, no additional mitigation measures are required.
 - b. **Findings** – Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 4.8-35 through 4.8-36 of the Final EIR.
 3. **Impact PS-6.** The proposed Affordable Housing Ordinances would modify current development standards, leading to increased population and associated parkland demand. This additional demand would result in a Class III, *less than significant*, impact on recreation facilities.
 - a. **Mitigation** – No mitigation measures are required beyond the County standard Condition of Approval requiring the payment of Quimby Act fees.
 - b. **Findings** – Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 4.8-38 through 4.8-40 of the Final EIR.
- B. Transportation and Circulation (Class III)**
1. **Impact T-3.** Future development in accordance with the Affordable Housing Ordinances could result in inadequate site access and/or parking supply. This is a Class III, *less than significant*, impact.
 - a. **Mitigation** – Beyond standard County review and Conditions of approval, no mitigation is required.
 - b. **Findings** – With implementation of parking spaces in accordance with County standards, parking impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 4.9-14 through 4.9-15 of the Final EIR.
 2. **Impact T-4.** The proposed Affordable Housing Ordinances would modify the current development standards, leading to increased population and associated demand for airport services, rail services, and County transit services. This is a Class III, *less than significant*, impact.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings** – Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 4.9-15 through 4.9-16 of the Final EIR.

<p>V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)</p>
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Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.

A. Agriculture (Class II)

1. Impact AG-1. The proposed Affordable Housing Ordinances would modify current development standards, leading to intensified development and permanent conversion of agricultural areas to non-agricultural uses. Impacts related to agricultural conversion would be Class II, significant but mitigable.

a. Mitigation –

AG-1(a) Avoidance of Agricultural Areas. As applicable, future applicants shall avoid prime agricultural soils.

AG-1(b) Inclusionary Housing on Agricultural Parcels. The inclusionary housing requirement in accordance with Program HE 1.9 shall be subject to the following restrictions:

- For projects on agricultural land or in areas containing prime agricultural soils, affordable units shall not be constructed on-site. Rather, the inclusionary requirement shall be met through off-site (non-agricultural) construction, payment of in-lieu fees, or the donation of non-agricultural land for the subsequent development of affordable housing.
- Affordable housing shall only be allowed on-site provided there are no impacts to agricultural resources.

b. Findings – With implementation of the above mitigation measures, impacts would be reduced to a less than significant level.

c. Supportive Evidence – Please refer to pages 4.1-7 through 4.1-9 of the Final EIR.

2. Impact AG-2. Future development in accordance with the Affordable Housing Ordinances would create conflicts between urban uses and existing and future on- and off-site agricultural uses. Potential land use conflicts are a Class II, significant but mitigable, impact.

a. Mitigation –

AG-2(a) Disclosure of Potential Nuisance. In accordance with the County Right to Farm Ordinance (No. 2050), upon the transfer of real property, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners near agricultural uses aware that although potential impacts or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other agricultural practices that may present potential health and safety effects. Should crop maintenance practices change substantially (e.g., through the use of new agricultural chemicals or application techniques), notification shall be provided to existing and prospective project residents.

AG-2(b) Agricultural Buffers. Future development in accordance with the Affordable Housing Ordinances shall maintain agricultural buffers in accordance with County Department of Agriculture/Measurement Standards recommendations.

b. Findings – Compliance with County Right to Farm Ordinance (No. 2050), in addition to the

required mitigation, would reduce impacts to a less than significant level.

c. **Supportive Evidence** – Please refer to pages 4.1-9 through 4.1-11 of the Final EIR.

B. Air Quality (Class II)

1. **Impact AQ-1.** The proposed Affordable Housing Ordinances would modify current development standards, leading to intensified development within urban areas and associated construction and construction-related emissions. These emissions may result in short-term adverse impacts to local air quality. However, such emissions would be temporary and would be mitigated on a specific development basis. Construction air quality impacts are therefore considered Class II, significant but mitigable.

a. **Mitigation** –

AQ-1(a) Application of Best Available Control Technology for Construction Equipment (CBACT). The following measures shall be implemented for all projects under the Affordable Housing Ordinances to reduce combustion emissions from construction equipment:

- All construction equipment and portable engines shall be properly maintained and tuned according to manufacturer's specifications;
- All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with CARB motor vehicle diesel fuel;
- The applicant shall install a diesel oxidation catalyst on each of the two pieces of equipment projected to generate the greatest emissions. Installations must be prepared according to manufacturer's specifications;
- The applicant shall use gasoline or alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG) or electric in place of diesel powered equipment, where feasible; and
- The applicant shall maximize to the extent feasible, the use of diesel construction equipment meeting the California Air Resources Board's 1996 certification standard for off-road heavy-duty diesel engines

AQ-1(b) Dust Control. The following measures shall be implemented to reduce PM₁₀ emissions during construction:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (nonpotable) water should be used whenever possible;
- All dirt-stock-pile areas shall be sprayed daily as needed;
- Permanent dust control measures shall be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities;

- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- All roadways, driveways, sidewalks, etc., to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- Construction personnel shall wear protective face masks while grading and excavating soils that contain serpentine soil.

AQ-1(c) Cover Stockpiled Soils. If importation, exportation, or stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin.

AQ-1(d) Dust Control Monitor. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

AQ-1(e) Active Grading Areas. Prior to commencement of site improvements, a Construction Management Plan shall be submitted for county approval that shows how the project will not exceed continuous working of more than four acres at any given time. The Dust Control Monitor shall verify in the field during tract improvements that the Construction Management Plan is being followed.

- b. Findings** – With implementation of the above mitigation measures, construction-related air quality impacts would be reduced to a less than significant level.
 - c. Supportive Evidence** – Please refer to pages 4.2-8 through 4.2-12 of the Final EIR.
- 2. Impact AQ-2** – Population growth that could occur under the Affordable Housing Ordinances is consistent with population assumptions in the San Luis Obispo County General Plan. However, the Affordable Housing Ordinances would not necessarily implement applicable Transportation Control Measures. Therefore, the Affordable Housing Ordinances is potentially inconsistent with the 2001 Clean Air Plan (CAP). This is a Class II, significant

but mitigable, impact.

a. Mitigation –

AQ-2(a) Bicycling and Bikeway Enhancements. Applicants shall work with County Public Works Department to incorporate bicycle and bikeway enhancements as feasible.

AQ-2(b) Telecommuting. To the extent feasible, new homes shall be constructed with internal wiring/cabling that allows telecommuting, teleconferencing, and telelearning to occur simultaneously in at least three locations in each home. This control measure seeks to reduce emissions by promoting telecommuting for any employee whose job can accommodate working from home.

AQ-2(c) Local Priority. To the extent feasible, people who work and/or reside closest to the potential affordable housing units that could be built pursuant to the proposed ordinances should receive priority to purchase the units. One approach could include a lottery for an option of purchasing an affordable unit. Another approach could include preferential marketing to local buyers (within the County), prior to opening up availability of proposed affordable housing to non-local buyers.

b. Findings – With the implementation of the above mitigation measures, impacts to the CAP TCM would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.2-12 through 4.2.14 of the Final EIR.

C. Cultural Resources (Class II)

1. Impact CR-1. The proposed Affordable Housing Ordinances would modify the County's current development standards, leading to intensified development and greater physical impacts to identified or unrecognized historic resources. Impacts would be Class II, significant but mitigable.

a. Mitigation –

CR-1(a) Historical Resource Survey. At the time of application for construction permits for discretionary projects requiring environmental review, the County shall require an historical resource survey, conducted by a qualified archaeologist or historian approved by the Environmental Coordinator, that assesses the potential impacts of all ground disturbing activities (e.g. access roads, driveways, residences, utility trenches) on those parcels that:

- Are located within an Historic combining designation;
- Contain designated historic sites;
- Are located in an area of known historic resources; or,
- Contain structures greater than 50 years old.

Should the historical resource survey identify significant resources, the mitigation measures recommended by the qualified archaeologist or historian shall become conditions. These measures could include, but not necessarily be limited to:

- Avoidance of significant historical resources;
- Graphic documentation (photographs, drawings, etc.);

- Prohibition of Demolition of Buildings and Structures; and/or
 - Restoration, Stabilization, Repair, and Reconstruction.
- b. Findings** – Compliance with Land Use Ordinance Section 22.14.080 and Coastal Zone Land Use Ordinance Sections 23.07.100 through 23.07.102, in addition to the required mitigation, would reduce impacts to a less than significant level.
- c. Supportive Evidence** – Please refer to pages 4.4-9 through 4.4-12 of the Final EIR.
- 2. Impact CR-2.** The proposed Affordable Housing Ordinances would modify the County’s current development standards, leading to intensified development and greater physical impacts to identified and previously unidentified and previously unidentified pre-historic archeological resources. Impacts would be Class II, significant but mitigable
- a. Mitigation** –
- CR-2(a) Archaeological Surface Survey.** At the time of application for construction permits for discretionary projects requiring environmental review, the County shall require an archaeological surface survey, conducted by a qualified archaeologist approved by the Environmental Coordinator, that assesses the potential impacts of all ground disturbing activities (e.g. access roads, driveways, residences, utility trenches) on those parcels that:
- Are located within an Archaeological Sensitive Area combining designation;
 - Contain known archaeological sites, as recorded on the County’s Official Maps;
 - Are located in an area designated by the County of San Luis Obispo Planning and Building Department as archaeologically sensitive (e.g. Nipomo, Santa Margarita, Salinas River area); or,
 - Contain physical features on-site that may indicate the presence of archeological resources (e.g. springs, creeks, rock outcrops).
- Should the archaeological surface survey identify significant resources, the applicant shall avoid the resource if feasible. Should avoidance be infeasible, mitigation measure CR-2(b) shall apply.
- CR-2(b) Mitigative Data Recovery Excavation.** If avoidance of an archaeological site(s) is not possible, data recovery excavation shall be completed prior to issuance of grading permits. A data recovery plan shall be submitted by a qualified archaeologist for review by the County Environmental Coordinator. Data recovery shall be funded by the applicant, shall be performed by a County-qualified archaeologist, and shall be carried out in accordance with a research design consistent with the requirements of the California Office of Historic Preservation Planning Bulletin 5, Guidelines for Archaeological Research Design. At a minimum, data recovery shall include:
- Mapping of site boundaries and the distribution of surface remains;
 - Surface collection of artifacts;
 - Excavation of a sample of the cultural deposit to characterize the nature of the site and retrieve a representative sample of artifacts and other remains within the proposed impact area;

- Monitoring of excavations at Native American sites by a tribal representative;
- Technical studies and analysis of the recovered sample, including radiocarbon dating, typological and technical analysis of tools and debris, identification and analysis of preserved faunal and floral remains, and other studies appropriate to the research questions outlined in the research design;
- Cataloguing and curation of all artifacts and records detailing the results of the investigations at a county approved curation facility;
- Submission of a final technical report detailing the results of the investigations; and
- Preparation of an interpretive report suitable for distribution to the general public.

CR-2(c) Archaeological Resource Construction Monitoring. At the commencement of construction on sites that have been identified as having the potential to support cultural resources based on mitigation measure CR-2(a), an archaeologist and a Native American representative shall conduct an orientation for construction workers to describe site avoidance requirements, the possibility of exposing unexpected archaeological resources, and the steps to be taken if such a find is encountered.

A qualified archaeologist and Native American representative shall monitor all earth moving activities within native soil. In the event that archaeological remains are encountered during construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation, if necessary, is implemented

- b. Findings** - Compliance with Coastal Zone Land Use Ordinance Section 23.07.104 and Title 19 (Section 19.20.035) and Title 22 (Section 22.10.120) of the County Code, in addition to the required mitigation, would reduce impacts to a less than significant level.
 - c. Supportive Evidence** – Please refer to pages 4.4-12 through 4.4-16 of the Final EIR.
- 3. Impact CR-3.** The proposed Affordable Housing Ordinances would modify current development standards, leading to intensified development. If development occurs in fossil-bearing strata, significant fossil materials could be damaged or destroyed. Impacts would be Class II, significant but mitigable.
- a. Mitigation** –

CR-3(a) Preparation of a Paleontological Resource Monitoring Plan. Prior to issuance of grading permits, applicants for projects where paleontological sensitivity is high shall retain a qualified accredited paleontologist to prepare a Paleontological Resource Monitoring Plan based on the specific construction plans. The monitoring plan shall detail the procedures for monitoring construction in areas of high or unknown sensitivity, collecting fossil remains and relevant geographic and stratigraphic data, stabilizing and preserving recovered specimens, and cataloguing and curating the collection. The monitoring plan shall include provisions for collecting a representative sample of invertebrates prior to construction, documenting the site according to the standards developed by the National Research Council (1987), and assessing the potential of this site to contain significant vertebrate remains.

CR-3(b) Paleontological Monitoring. A qualified paleontological monitor shall observe

any initial excavation, grading, or other ground disturbance which extends below the upper soil layers in in situ sedimentary rock where paleontological sensitivity is high. Paleontologists who monitor excavations must be qualified and experienced in salvaging fossils and authorized to temporarily divert equipment while removing fossils. They must be properly equipped with tools and supplies to allow for rapid removal and preparation of specimens, and trained in safe practices when working around construction equipment. If multiple pieces of heavy equipment are in use simultaneously at diverse locations during construction, each location may be monitored individually.

CR-3(c) Treatment of Paleontological Remains Discovered During Monitoring. If paleontological resources are found during excavations or other ground disturbance, work shall cease temporarily in the immediate area of the discovery. Ground disturbance may be redirected to another area so that the significance of the fossil find may be assessed. If an accredited paleontologist is not already on-site, a vertebrate paleontologist with regional experience will be contacted to inspect the excavation, assess the significance of the fossil find, recover any exposed fossils of significance, and recommend additional mitigation measures, if necessary.

A standard sample (3 to 12 cubic meters) of matrix from each site will be taken for identification of microvertebrates (rodents, birds, rabbits), especially when the potential for microvertebrates is high. The monitors also will determine whether the fossils are part of an archaeological deposit. If the fossils are found with cultural material, the site then will be considered an archaeological discovery and treated according to the procedures specified in CR-2(b) (Archaeological Resource Construction Monitoring).

Significant fossils found during construction shall be preserved by prompt removal whenever feasible. Due to the potential for rapid deterioration of exposed surface fossils, preservation by avoidance is not an appropriate measure. When a significant fossil cannot be removed immediately, stabilization is needed to prevent further deterioration prior to removal. The fossil location must be stabilized under the direction of a professional paleontologist.

At the time of collecting, each specimen or group of specimens will be clearly located and plotted on a USGS topographical quadrangle map. Field methods, other excavation activities, and working conditions during monitoring of the paleontological resources will be recorded in a field notebook or on a paleontological resources record or worksheet such as those developed by the National Research Council (1987).

Recovered specimens will be stabilized and prepared for identification. Sedimentary matrix with microfossils will be screen washed and sorted to identify the contained fossils. Removal of excess matrix during preparation reduces long-term storage requirements. Competent qualified specialists will classify individual specimens to the lowest identifiable taxon, typically to genus, species, and element. Batch identification and batch numbering (e.g., "mammal, 25 specimens") should be avoided.

Paleontological specimens will be cataloged according to current professional standards, and a complete list of collected specimens must be prepared. A complete set of field notes, geologic maps, and stratigraphic sections must accompany the fossil collections.

All fossil remains recovered during construction and operation must be curated by a recognized, nonprofit paleontological specimen repository with a permanent curator, such

as a museum or university. Specimens must be stored in a fashion that allows researchers to retrieve specific individual specimens in the future. In addition to the LACM and UCMP, qualified research facilities include California State Polytechnic University, San Luis Obispo; the Santa Barbara Museum of Natural History; or Santa Barbara City College.

The project paleontologist will complete a final report summarizing findings, describing important fossil localities (vertebrate, megainvertebrate, or plant) discovered in the project area, and explaining any mitigation measures taken. The report will include a summary of the field and laboratory methods, site geology and stratigraphy, an itemized inventory of recovered specimens, faunal lists, and site records. The report also should discuss the importance of the recovered fossil materials. The reports will be prepared by a professional paleontologist and distributed to the appropriate agencies, museums, colleges, or universities.

b. Findings – With implementation of the above mitigation measures, impacts would be reduced to a less than significant level.

c. Supportive Evidence – Please refer to pages 4.4-17 through 4.4-19 of the Final EIR.

D. Hydrology and Water Quality (Class II)

1. Impact HWQ-1. The proposed Affordable Housing Ordinances would modify the current development standards, leading to intensified development and associated construction. During construction, disrupted soil may be subject to erosion, sedimentation, and pollutant discharges. This is a Class II, significant but mitigable, impact.

a. Mitigation –

HWQ-1(a) Grading and Erosion Control Plan. A grading and erosion control plan that minimizes erosion, sedimentation and unstable slopes shall be prepared and implemented by the applicant or representative thereof, prior to issuance of Grading Permits for individual projects that require grading. It must include the following:

- a. Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, and sand bags shall be used to minimize erosion on slopes and siltation into nearby creeks (as applicable) and/or drainages during grading and construction activities.
- b. Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If determined necessary by Planning and Building, irrigation shall be provided. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- c. After grading, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the Planning and Building Department Grading Division and the Air Pollution Control District (APCD). These methods may include the importation of topsoil to be spread on the ground surface in areas having soils that can be transported by the wind and/or the mixing of the highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. The topsoil or silt/clay mixture is to be used to stabilize the existing soil to prevent its ability to be transported by wind. At a minimum, six inches

of topsoil or silt/clay/sand mixture is to be used to stabilize the wind-erodible soils.

- d. Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.
- e. Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by Planning and Building prior to land use clearance for grading.
- f. Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- g. Fills placed on slopes steeper than 5:1 shall be properly benched prior to placement of fill.
- h. Brow ditches and/or berms shall be constructed and maintained above all cut and fill slopes, respectively.
- i. Cut and fill benches shall be constructed at regular intervals.
- j. Retaining walls shall be installed to stabilize slopes where there is a 10-foot or greater difference in elevation between buildable lots.
- k. The applicant shall limit excavation and grading to the dry season of the year (typically April 15 to November 1, allowing for variations in weather) unless a Planning and Building Department approved erosion control plan is in place and all measures therein are in effect.
- l. The applicant shall post a bond with the County and hire a Planning and Building - qualified geologist or soils engineer prior to land use clearance for grading, and to ensure that erosion is controlled and mitigation measures are properly implemented.

The grading and erosion control plan shall be submitted for review and approval to Planning and Building prior to approval of land use permits for grading of tract improvements. The applicant shall notify Planning and Building prior to commencement of grading. Components of the grading and erosion control plan shall be implemented throughout all grading activities.

HWQ-1(b) Storm Water Pollution Prevention Plan. Prior to issuance of building permits for all projects encompassing an area in excess of one acre, the applicant shall obtain a NPDES storm water permit from the California Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) shall be developed prior to the initiation of grading and implemented for all construction activity on the project site. The SWPPP shall include specific BMPs to control the discharge of material from the site and into the creeks and local storm drains. BMP methods may include, but would not be limited to, the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets and soil stabilizers. Additional BMPs should be implemented for on-site construction activities including fuel storage and handling, concrete waste management, material delivery and storage. A list of BMPs shall be attached to project plans and posted at the construction site.

HWQ-1(c) Transfer Rural Inclusionary Housing Requirements. The County should develop a program that allows the transfer of some of the inclusionary housing requirements for parcels within rural areas to available properties within more urbanized portions of the County. This would minimize erosion potential within the more sensitive

- a. **Mitigation –**
 - G-1(a) Fault Location Investigations.** Prior to site plan approval for any potential development located near a mapped fault trace, a subsurface geologic or geotechnical investigation shall be conducted by a qualified engineer in the area proposed for development, in accordance with County and State requirements.
 - G-1(b) Building Envelope Setbacks.** Based on the results of the special fault investigation, all habitable structures and utilities shall be located at least 50 feet from any active fault trace.
 - G-1(c) UBC Compliance.** Above-ground structures shall be designed and built according to the latest UBC Seismic Zone 4 standards.
 - b. **Findings –** Through Code-conformance and proper engineering design and construction as monitored by Planning and Building, fault rupture and ground shaking hazards would be less than significant.
 - c. **Supportive Evidence –** Please refer to pages 4.6-13 through 4.6-15 of the Final EIR.
2. **Impact G-2** Because some soils in the County have the potential to present soil-related hazards (expansive soils, erosive soils, subsidence and settlement, and liquefaction), impacts to future structures and residents that could occur as a result of the increased densities allowed by the proposed ordinances are Class II, significant but mitigable.
- a. **Mitigation –**
 - G-2(a) Soils/Foundation Report.** Individual property developers proposing development within the areas identified as having expansive soils, erosive soils, potential for settlement, and/or liquefaction potential shall submit a soils/foundation report as part of the application for any proposed Building Permit(s). To reduce the potential for foundation cracking or other property damage, one or more of the following shall be implemented and/or as recommended by a qualified engineer:
 1. Use continuous deep footings (i.e., embedment depth of 3 feet or more) and concrete slabs on grade with increased steel reinforcement together with a pre-wetting and long-term moisture control program within the active zone.
 2. Removal and compaction of loose soils.
 3. Removal of the highly expansive material and replacement with non-expansive compacted import fill material.
 4. The use of specifically designed drilled pier and grade beam system incorporating a structural concrete slab on grade supported approximately 6 inches above the expansive soils.
 5. Chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.
 6. Where necessary, construction on transitional lots shall include over excavation to expose firm sub-grade, use of post tension slabs in future structures, or other geologically acceptable method.
 - b. **Findings –** Properly designed and constructed foundations and implementation of a grading and erosion control plan would adequately mitigate the potential for structural

problems caused by soil-related hazards, thereby reducing impacts to a less than significant level.

c. Supportive Evidence – Please refer to pages 4.6-15 through 4.6-17 of the Final EIR.

3. Impact G-3. Due to the presence of steep slopes and moderate to high landslide potential in the County, development could be subject to landsliding hazards in certain locations. Impacts are Class II, significant but mitigable.

a. Mitigation –

G-3(a) Geotechnical Investigations and Practices. Each proposed development area shall be inspected to ensure a low risk of landslides or soil slumping. Geotechnical engineering measures, such as shoring soils of any landslide areas shall be required to ensure that the slope will not be destabilized during the grading activity. Remedial measures during grading may include the removal of the slump or debris slide from the top to the toe of slope.

In accordance with the applicable building codes, investigations shall be performed prior to construction in areas determined to have a moderate or higher landslide hazard.

Investigations and practices shall include the following:

- a. Prior to issuance of any building permits, a qualified geotechnical engineer and/or engineering geologist shall prepare thorough geologic/geotechnical studies, and a slope stability analysis which shall incorporate lot-specific recommendations. The slope stability analysis shall at a minimum meet the requirements of CDMG 1997 (Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication 117). In addition, the stability analysis shall meet the requirements of the County Planning and Building Department.
 - b. During grading, engineering geologists and geotechnical engineers shall confirm preliminary findings reported in the preliminary studies.
 - c. All applicable recommendations of final geologic and geotechnical investigations prepared for the project shall be implemented. These recommendations may include: avoidance of or setbacks from historic landslide deposits or areas susceptible to a potential for landslides; the restriction of grading in areas with landslide hazards; drainage improvements to ensure potential landslide areas do not become saturated; excavating standard keyways and benches in a stair-step configuration; water addition or drying-out as needed to bring soils to an acceptable moisture content; limitations on cut and fill slope gradients; and/or removal and backfilling of potential landslide areas.
- b. Findings** – Implementation of the above mitigation measure would reduce impacts from potential landsliding to a less than significant level.

c. Supportive Evidence – Please refer to pages 4.6-17 through 4.6-19 of the Final EIR.

F. Noise (Class II)

1. Impact N-1. The proposed Affordable Housing Ordinances would modify current development standards, leading to intensified development and associated increased construction and construction-related noise. This is a Class II, significant but mitigable impact.

a. Mitigation –

N-1(a) Construction Hours. Hours of construction shall be limited to the hours between 7 a.m. and 7 p.m. on weekdays and 8 a.m. to 5 p.m. on weekends.

N-1(b) Construction Noise Attenuation. For all construction activity, additional noise attenuation techniques shall be employed as needed to ensure that noise remains within levels allowed by the County of San Luis Obispo noise standards. The following measures shall be incorporated into contract specifications to reduce the impact of construction noise.

- All construction equipment shall have properly maintained sound-control devices. No equipment shall have an unmuffled exhaust.
- Contractors shall implement appropriate additional noise attenuation techniques including, but not limited to, siting the stationary construction equipment away from residential areas to the extent possible, and notifying adjacent residents in advance of construction work.

N-1(c) Construction Equipment. Stationary construction equipment that generates noise that exceeds 60 dBA CNEL shall be baffled. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. Unnecessary idling of internal combustion engines shall be prohibited. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.

N-1(d) Transfer Rural Inclusionary Housing Requirements. The County should require a program that allows the transfer of some of the inclusionary housing requirements for parcels within rural areas to available properties within more urbanized portions of the County. This would minimize construction and traffic noise potential within the more sensitive rural portions of the County.

b. Findings – Implementation of the above mitigation measure would reduce construction-related noise impacts to a less than significant level.

c. Supportive Evidence – Please refer to pages 4.7-7 through 4.7-9 of the Final EIR.

2. Impact N-2 The proposed Affordable Housing Ordinances could place sensitive receptors in areas exposed to nuisance noise levels. This is a Class II, significant but mitigable impact.

a. Mitigation –

N-2(a) Reduction of Nuisance Noise. For any noise sensitive development proposed within projected 60 dBA noise contours, a site-specific acoustical study shall be conducted. This study shall contain recommendations to mitigate any noise levels that exceed the County's standard of 60 dBA CNEL. Because there are no specific plans for individual development projects at this time, the specific attenuation methods cannot be definitively determined. Options could include one or more of the following approaches:

- Construction of a berm or wall;
- Design of individual homes such that structures block the line-of-sight from useable backyards to the noise source;
- For homes with backyards not blocked by intervening structures, backyard fencing of sufficient height to block line-of sight to the noise source;

- Placement of windows and balconies away from the noise source, as applicable;
 - Within residences, bathrooms and kitchens should be located toward the noise source, while bedrooms should be located away from the noise source; or
 - Development should follow normal construction practices and Uniform Building Code requirements. Use of noise reducing building materials, such as double paned windows, shall be used to further reduce indoor noise levels by insulating against outdoor noise sources.
- b. Findings** – Implementation of the above mitigation measure would reduce noise impacts to a less than significant level.
- c. Supportive Evidence** – Please refer to pages 4.7-9 through 4.7-11 of the Final EIR.
- 3. Impact N-3.** The proposed Affordable Housing Ordinances would modify current development standards, leading to intensified development and associated increases in traffic. Long-term traffic could increase noise levels at existing receptors throughout the County. This is a Class II, significant but mitigable, impact.
- a. Mitigation** –
- N-3(a) Off-site Residence Noise Attenuation.** Attenuation of exterior noise levels experienced at the existing off-site residential units located within the 60 dBA contour of area roadways to below 60 dBA Leq and interior noise levels to below 45 dBA Leq shall be provided. This can be accomplished using one or more of the following methods or as recommended in a noise study to be prepared by an acoustical engineer, as applicable:
- Use solid berms (e.g., sound walls) between the existing residences and area roadways;
 - Use solid core doors and double-paned glass windows installed on the side of the residences facing toward area roadways.
- N-3(b) Sound Wall Design.** Long expanses of walls or fences shall be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets and pedestrian access through walls should be provided. Whenever possible, a combination of elements shall be used, including solid fences, walls, and, landscaped berms.
- b. Findings** – Proposed mitigation measure N-3(a) would reduce impacts to a less than significant level, consistent with what is anticipated under the County’s General Plan at buildout. Mitigation Measure N-3(b) would mitigate the potential secondary impact of Mitigation Measure N-3(a).
- a. Supportive Evidence** – Please refer to pages 4.7-9 through 4.7-11 of the Final EIR.
- G. Public Services and Utilities (Class II)**
- 1. Impact PS-2.** The proposed Affordable Housing Ordinances would modify current development standards, leading to increased population and associated solid waste. Existing landfills have adequate capacity to accommodate projected increases in solid waste generation. However, development in accordance with the Affordable Housing Ordinances would result in the use of part of the limited remaining capacity of County landfills. Therefore, solid waste generation would be a Class II, significant but mitigable impact.

a. Mitigation –

PS-2(a) Construction Solid Waste Minimization. During the construction of units in accordance with the proposed Affordable Housing Ordinances, the following mitigation measures shall be implemented to reduce solid waste generation to the maximum extent feasible:

- Prior to construction, the contractor shall arrange for construction recycling service with a waste collection provider. Roll-off bins for the collection of recoverable construction materials shall be located on-site. The applicant, or authorized agent thereof, shall arrange for pick-up of recycled materials with a waste collection provider or shall transport recycled materials to the appropriate service center. Wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris may all be recycled.
- The contractor shall designate a person to monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors shall be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins
- The contractor shall use recycled materials in construction wherever feasible.
- The above construction waste recycling measures shall be incorporated into the construction specifications for the contractor.

b. Findings – With implementation of the above measure, impacts related to solid waste generation would be less than significant.

c. Supportive Evidence – Please refer to pages 4.8-29 through 4.8-31 of the Final EIR.

2. Impact PS-3 The proposed Affordable Housing Ordinances would modify current development standards, leading to increased population and associated demand for fire protection. In addition, development in accordance with the ordinances could introduce population and structures into fire hazard areas. This is a Class II, *significant but mitigable, impact.*

a. Mitigation –

PS-3(a) On-Site Fire Protection. Road widths and circulation routes, as well as the placement of fire hydrants and installation of automatic sprinkler systems, shall be designed with the guidance of the Fire Department. A road system that allows unhindered Fire Department access and maneuvering during emergencies shall be provided. Specifically, the following measures are required:

- Future residential access roads must be an all weather surface at least 20 feet in width, unobstructed by parking. Cul-de-sacs and turnouts must be to Fire Department standards. As the on-site roads are proposed to be a private system, there must be on-going, legally binding provisions in effect to maintain the roads to Fire Department approval.
- Road grades on all roads shall not exceed 16%, per the Uniform Fire Code.

- House numbers and street signs shall be lighted to County standards so that emergency vehicles including police and ambulances can locate residences in the event of any emergency.
- All fire apparatus access roads and driveways shall be designed and maintained to support the imposed loads of 20 tons at 25 mph, and shall be provided with a surface so as to provide all-weather driving capabilities and maintain 90% compaction.

PS-3(b) Fire/Vegetation Management Plan. Each future applicant who proposes to construct residences in a County identified High Fire Hazard Area shall prepare and submit a Fire/Vegetation Management Plan to the Fire Department that will meet the following requirements:

- The plan must set forth requirements to assure ongoing protection of all structures and roads, both prior to and after lot sales.
- The plan shall require 100 feet of clearance from chaparral brush to structures throughout the development, and 30 feet of clearance from grasslands to structures throughout the development.
- Vegetation within the first 30 feet of all structures must be strictly irrigated and controlled, with specific shrub species eliminated. No conifer (except Monterey pine, single specimen), eucalyptus, juniper, cypress, pampas grass, acacia, or palm trees shall be allowed within the 100-foot zone. Coastal live oak (*Quercus* sp.), California sycamore, Toyon and shrubs/trees approved by the County Fire Department will be acceptable within the 100-foot zone as well as the 30-foot zone.
- The plan shall outline vegetation management standards within the 30-foot buffer zone, such as:
 - Grasses and groundcovers shall be maintained at no more than 18 inches in height on slopes that require erosion control measures. Grasses shall be mowed elsewhere.
 - Trees must be limbed up to one third of their height to a maximum of 10 feet.
 - Flammable native shrubs shall not be planted or allowed to grow in continuous masses. Small clusters will be allowed as long as the minimum space between clusters is observed.
- The Fire/Vegetation Management Plan must clearly state exactly what management practices must be accomplished, date of annual compliance, and responsibility for cost of compliance.
- The plan must also include a Wildland Emergency Response check list (approved by County Fire Department) to be made available to all residents.

PS-3(c) Structural Safeguards. Individual property developers subject to the proposed ordinances shall provide the following structural safeguards within their projects:

- *Class A Roofs.* All residential development under the AHO shall have non-wood Class A roofs, with the ends of tile blocked, spark arresters visible from the street, proper vent screens, and non-combustible gutters and down spouts. No combustible paper in or on attic insulation shall be allowed.

- *Design of Accessory Features.* Decks, gazebos, patio covers, and fences, must not overhang slopes and must be of one-hour fire retardant construction. Front doors shall be solid core, minimally 1 ¾ inch thick. Garage doors shall be noncombustible.
 - *Power Lines.* All new power lines shall be installed underground in order to prevent fires caused by arcing wires.
 - *Fire Walls.* Structures along the perimeter or exposed to internal open space areas shall have one hour rated exterior fire walls, with exteriors being more than 2 inches, and must not contain vinyl or plastic window frames or rain gutters or down spouts.
- b. Findings** – With implementation of the above measures, impacts on fire protection services would be less than significant.
- c. Supportive Evidence** – Please refer to pages 4.8-31 through 4.8-35 of the Final EIR.
- 3. Impact PS-5** The proposed Affordable Housing Ordinances would modify current development standards, leading to increased population and associated student generation. The addition of these students would result in a Class II, *significant but mitigable*, impact.
- a. Mitigation** –
- PS-5(a) Buildout Date Notification.** Each future applicant subject to the proposed Affordable Housing Ordinances shall notify the appropriate School District of the expected buildout date of each phase of the project to allow the District time to plan in advance for new students.
- PS-5(b) Statutory School Fees.** Each future applicant under the proposed Affordable Housing Ordinances shall pay the statutory school fees in effect at the time of issuance of building permits to the appropriate school districts.
- b. Findings** – With implementation of the above measures, impacts would be less than significant.
- c. Supportive Evidence** – Please refer to pages 4.8-36 through 4.8-38 of the Final EIR.
- H. Transportation and Circulation (Class II)**
- 1. Impact T-1.** The proposed Affordable Housing Ordinances would modify the current development standards, leading to intensified development and associated average daily trips (ADT) on County roadway segments. These trips could lead to the degradation of existing level of service (LOS) criteria for County roadways and intersections. This is a Class II, significant but mitigable, impact.
- a. Mitigation** –
- T-1(a) Traffic Study.** Future residential development projects under the proposed Affordable Housing Ordinances (AHO) that will be located adjacent to or near County identified roadways as having a current County Resource Management System Level of Severity rating of II or III, shall be subject to a project specific traffic study that should recommend mitigation if necessary.
- T-1(b) Transfer Rural Inclusionary Housing Requirements.** The County should develop a program that allows the transfer of some of the inclusionary housing requirements for parcels within rural areas to available properties within more urbanized

portions of the County. This would minimize potential traffic impacts by reducing trip lengths.

b. Findings - With required mitigation, impacts would be reduced to a less than significant level.

c. Supportive Evidence - Please refer to pages 4.9-10 through 4.9-12 of the Final EIR.

I. Water Resources (Class II)

1. Impact WR-1. The proposed Affordable Housing Ordinances would modify the current development standards, leading to increased population and associated water demand. In addition, projects may locate residences in areas of the County where demand for available water is currently at or over capacity. This would be a Class II, *significant but mitigable*, impact.

a. Mitigation –

WR-1(a) Proof of Water Supply. Future applicants for projects subject to the Affordable Housing Ordinances shall provide proof of an adequate, safe and continuous supply of water to the proposed project.

WR-1(b) Water Conservation Measures. Future applicants subject to the Affordable Housing Ordinances shall implement water conservation measures, including, but not limited to:

- Use of low-flush (1.6-gallon per flush) toilets shall be required in all new construction;
- Installation of low flow (2 gpm) shower heads shall be required on all new residential units;
- Drought tolerant plants shall be used in landscaping;
- Landscaping shall use drip irrigation where feasible;
- Plant material shall be grouped by water needs;
- Extensive mulching (2-inch minimum depth) shall be used in landscaped areas, where feasible, to improve the water holding capacity of the soil by reducing evaporation and compaction; and/or
- Permeable surfaces such as turf block or intermittent permeable surfaces such as French drains shall be used for parking areas and driveways, where feasible and practical.

b. Findings – Implementation of the above measures would reduce potential impacts to a less than significant level.

c. Supportive Evidence – Please refer to pages 4.10-16 through 4.10-18 of the Final EIR.

VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (See Section VII). The findings below are for Class I impacts, where implementation of the project may result in the following significant, unavoidable environmental impacts:

A. Biological Resources (Class I)

1. **Impact B-1.** Future development in accordance with the Affordable Housing Ordinances could permanently remove sensitive habitat areas. Impacts of many individual projects can likely be mitigated to a less than significant level. However, because the feasibility of mitigation cannot be determined at this time, the cumulative effect of implementation of the Affordable Housing Ordinances is a Class I, significant and unavoidable impact.

a. Mitigation –

B-1(a) Sensitive Habitat Survey and Restoration Plan. Prior to approval of any Land Use permits, project applicants within potentially sensitive areas as determined by the County (refer to Table 4.3-1 of the Final EIR for a list of sensitive habitats) shall contract with a County approved biologist to survey for sensitive habitats as defined by the County or appropriate state or federal regulatory agencies. If sensitive habitats are found onsite, the applicant shall contract with a County approved biologist to develop a Sensitive Habitat Restoration Plan that provides specific measures to enhance and maintain the remaining on-site occurrences of sensitive habitats. The Plan could include:

1. Provide an up-to-date inventory of on-site sensitive habitat(s);
2. Define attainable and measurable goals and objectives to achieve through implementation of the Plan;
3. Provide site selection and justification;
4. Detail restoration work plan including methodologies, restoration schedule, plant materials (seed), and implementation strategies.
5. Provide a detailed maintenance plan to include weeding and or spot spraying to keep non-native plant species from further reducing the extent of this habitat type on the property over time. This approach would also have the residual benefit of providing wildland fire protection. Enhancement and maintenance options shall employ recent techniques and effective strategies for increasing the overall area of the sensitive habitats on-site and shall include but not be limited to reseeding or stock container planting disturbed areas with an appropriate native plant palette;
6. Define performance standards. Either in a County approved mitigation site within the proposed rezone site or in a County approved off site area, the total restored area should include 2:1 (Sensitive habitat restored: Sensitive habitat impacted) with at least 50% cover of native shrubs. Acreage may vary depending on the location of the mitigation site and restoration effort. The County may require additional acreage for off site mitigation; and,
7. Provide a monitoring plan to include methods and analysis of results. Also, include goal success or failure and an adaptive management plan and suggestions for failed restoration efforts.

B-1(b) Wetland Delineation. Prior to approval of any Land Use permits, project applicants whose land is in potentially sensitive areas as determined by the County shall contract with a County approved biologist to conduct a formal wetland delineation utilizing methodologies accepted by the Corps and CDFG as defined by the County or appropriate state or federal regulatory agencies. The biologist shall determine the location and extent of jurisdictional waters of the U.S. and State on the sites.

A Mitigation Plan shall be developed for areas of disturbance to riparian habitat and other potential wetland areas. The plan shall be prepared by a qualified biologist who is familiar with current Corps and CDFG restoration and mitigation techniques. County required compensatory mitigation shall occur on-site using regionally collected native plant material at a minimum ratio of 2:1 (habitat created to habitat impacted). The resource agencies may require a higher mitigation ratio as a result of the permitting processes.

The plan could include the following components:

1. Description of the rezone/impact site (i.e., location, responsible parties, jurisdictional areas to be filled/impacted by habitat type);
2. Goal(s) of the compensatory mitigation project (type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved, specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved (any lost wetland habitat shall be replaced on-site using regionally collected native plant material at a minimum ratio of 2:1);
3. Description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);
4. Implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
5. Maintenance activities during the monitoring period (activities, responsible parties, schedule);
6. Monitoring plan for the compensatory mitigation-site (performance standards, target functions and values, target hydrological regime, target jurisdictional and non-jurisdictional acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
7. Completion of compensatory mitigation (notification of completion, agency confirmation); and
8. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).
9. Identification of potential pollutant sources, that may affect the quality of the discharges to stormwater;
10. The proposed design and placement of structural and non-structural BMPs to address identified pollutants.
11. A proposed inspection and maintenance program; and
12. A method of ensuring maintenance of all BMPs over the life of the project.

- b. **Findings** - Compliance with existing construction regulations and the above listed mitigation measures would reduce impacts on sensitive habitats to the extent possible. However, because the feasibility of mitigation at specific sites cannot be determined at this time, the cumulative effect of implementation of the Affordable Housing Ordinances is still potentially significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
 - c. **Supportive Evidence** – Please refer to pages 4.3-22 through 4.3-26 of the Final EIR.
2. **Impact B-2.** Future development in accordance with the Affordable Housing Ordinances would potentially affect special status species. Impacts of many individual projects can likely be mitigated to a less than significant level. However, because the feasibility of mitigation at specific sites cannot be determined at this time, the cumulative effect of implementation of the Affordable Housing Ordinances is Class I, significant and unavoidable.
- a. **Mitigation** –
 - B-2(a) Seasonally-Timed Rare Plant Surveys.** For individual projects as determined by the County, a County approved botanist shall conduct seasonally timed directed floral surveys per the requirements of the County or appropriate state or federal regulatory agencies. The floral surveys shall be based on the target list of plant species identified in Table 4.3-2 of the Final EIR to be completed during the appropriate season to determine the presence or absence of these species. Up to three separate survey visits may be required to capture the flowering period of all target species. The location and extent of any rare plant occurrences observed on a site should be documented in a report and accurately mapped onto site-specific topographic maps and aerial photographs. If special-status plant species are identified, the approved botanist shall submit written proof that the county and CDFG have been contacted. If federally-listed plant species are identified, then the USFWS must also be contacted.
 - B-2(b) Special-Status Plant Buffer:** If State or Federally listed plant species are found as a result of Mitigation Measure B-2(a), site development plans shall be modified to avoid such occurrences with a minimum buffer of 50 feet. The applicant shall establish conservation easements for such preserved areas, prior to issuance of the first grading permit. The proposed project shall be amended at that time to place these areas formally into open space.
 - B-2(c) Special-Status Plant Species Mitigation Plan:** If total avoidance of the special status species occurrences (if any) is economically or technologically infeasible, a mitigation program shall be developed by a qualified botanist under contract with the applicant in consultation with CDFG as appropriate. A research study to determine the best mitigation approach for each particular species to be salvaged may be required to adequately prepare the plan for species that have not been subject to mitigation requirements previously. The special-status plant species mitigation program may include the following:
 - a. The overall goal and measurable objectives of a no-net loss of special status species in the mitigation and monitoring plan;
 - b. Specific areas proposed for re-vegetation and their size. Potential sites for mitigation would be any suitable site within proposed open space, depending on the species, that is appropriately buffered from development.

- c. Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of the special-status plant species. (i.e., annual population census surveys and habitat assessments; establishment of monitoring reference sites; fencing of special-status plant species preserves and signage to identify the environmentally sensitive areas; a seasonally-timed weed abatement program; and seasonally-timed seed and/or topsoil collection, propagation, and reintroduction of special-status plant species into specified receiver sites);
- d. Success criteria based on the goals and measurable objectives to ensure a viable population(s) on the project site in perpetuity;
- e. An education program to inform the public of the presence of special-status plant species and sensitive biological resources on-site, and to provide methods that residents can employ to reduce impacts to these species/resources in protected open space areas;
- f. Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel; and
- g. Funding mechanism.

B-2(d) Special-Status Plant Monitoring. If monitoring is necessary, then monitoring shall occur annually and shall last at least five years to ensure successful establishment of all re-introduced or salvaged plants and no-net-loss of the species habitat. In the case of annual plants it is difficult to determine if there has been a net loss or gain of a viable population in a five year period. Therefore, an important component of the mitigation and monitoring plan shall be adaptive management. The adaptive management program shall address both foreseen and unforeseen circumstances relating to the preservation and mitigation programs. The plan shall include follow up surveys for five years and then every five years in perpetuity or until a qualified botanist can demonstrate that the target special-status species has not experienced a net loss. It shall also include remedial measures to address negative impacts to the special-status plant species and their habitats (i.e., removal of weeds, additional seeding/planting efforts) if the species or its habitat are suffering a net loss at the time of the follow up surveys.

B-2(e) Wildlife Surveys and Mitigation. For individual projects within sensitive areas as determined by the County, a wildlife survey shall be conducted by a qualified biologist for proposed development areas that may contain sensitive wildlife as defined by the County or appropriate state or federal regulatory agencies. Such surveys would be required prior to potential development. Appropriate mitigation measures shall be identified by a qualified biologist, and may include one or more of the following measures, as applicable:

1. Pet Brochure. Applicants of residential projects adjacent to open space or other habitat areas shall be required to prepare a brochure that informs prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs, and other non-native animals, to sensitive habitat areas. The brochure shall also describe measures homeowners can take to minimize impacts of pets on wildlife. Similarly, the brochure shall inform potential homebuyers of the potential for coyotes or other wildlife to prey on domestic animals in areas where appropriate.
2. Night Lighting Standards. Night lighting of public areas near sensitive habitats shall be kept to the minimum necessary for safety purposes:

- Exterior lighting within 100 feet of open space habitat shall be shielded and aimed as needed to avoid spillover into habitat areas. Decorative lighting shall be low intensity.
 - Use of floodlights on residential/commercial lots shall be shielded and aimed as needed to avoid spillover into habitat areas including open space, vineyard, and agricultural areas.
3. Wildlife Habitat Buffer. Wherever site development is proposed adjacent to wildlife habitat an appropriate buffer of native vegetation shall remain or be established between the habitat area and the proposed development.

B-2(f) Pesticide Compliance. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of special status species. A landscape management plan is to be developed that will identify operational procedures to be employed to maintain a healthy landscape with minimum application of fertilizers and pesticides.

Design and implement an approved Integrated Pest Management Plan (IPMP) for the proposed project. This would minimize the risk to aquatic habitat from improper pesticide and fertilizer use. The plan will also contain a water quality monitoring program for construction and operation of the project. Once a landscape architect is selected, the IPMP plan will be prepared and provided to the USFWS for review and comment.

B-2(g) Bird Pre-Construction Survey. In order to avoid impacts to nesting raptors and other avian species, which could result in take that is prohibited under CDFG Code 3503 and 3503.5 and the federal Migratory Bird Treaty Act, construction activities for projects within areas that include trees or other sites that could include bird nests should be conducted outside of the peak breeding season (August 15 to March 15). If construction in such areas is to be initiated between March 15 and August 15, a pre-construction survey should be conducted for nesting avian species (including raptors) within 300 feet of proposed construction activities. If nesting raptors (or any other nesting birds) are identified during pre-construction surveys, an appropriate buffer; to be determined by a County-approved biologist in coordination with the California Department of Fish and Game, should be imposed within which no construction activities or disturbance should take place. If nests are identified, work may only proceed prior to August 15 if a County-approved biologist conducts periodic nest checks and confirms that the nest is no longer active (i.e. the young have fledged) and work re-initiation has been specifically authorized by the appropriate regulatory agency.

B-2(h) Minimize Road Widths. Roadway widths adjacent to open space/agricultural areas shall be reduced to the minimum width possible, while maintaining Fire Department Requirements for emergency access, with slower speed limits introduced.

B-2(i) Permits and Agreements. In the event that State listed species would be impacted as a result of development, developers shall submit signed copies of an incidental take permit and enacting agreements from the CDFG regarding those species as necessary under Section 2081 of the California Fish and Game Code prior to the initiation of grading or construction activities. If a species that is listed under the federal Endangered Species Act is identified, developers seeking entitlements shall provide proof of compliance with the federal Endangered Species Act, inclusive as necessary of signed copies of incidental

3. Future development in accordance with the Affordable Housing Ordinances could permanently affect wildlife movement corridors.

B. Findings – The Board of Supervisors has weighed the benefits of the proposed project against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the Planning Commission (recommends that the Board of Supervisors) find that the benefits of the project outweigh the unavoidable adverse environmental impacts to the extent that the unavoidable adverse environmental impacts become "acceptable".

C. Supporting Evidence

1. Social, Economic and Environmental Benefits. The project would result in the following social, economic and environmental benefits:
 - a. Encourage affordable housing production and retention of the County’s affordable housing stock to address an identified area-wide shortage of affordable housing.
 - b. Promote infill development within urban communities that will act to reduce impacts to air quality and traffic flow caused by longer vehicle trips.
 - c. Focus future growth in the County subject to the Affordable Housing Ordinance into the more urban portions of the County, where infrastructure is already in place, and the ultimate cost of development may be less than in more rural areas.
 - d. Implement Smart Growth Principles, as endorsed by the San Luis Obispo County Board of Supervisors. Smart Growth Principles implemented by the Affordable Housing Ordinances include: providing a range of housing opportunities and choices; creating walkable neighborhoods; encouraging mixed land uses; preservation of open space, farmland, natural beauty and critical environmental areas; and directing development towards existing communities.
 - e. Reduce the tendency toward increasing rural development within the County, which tends to cause increased environmental impacts such as but not limited to: increased traffic, increased noise, incompatible land uses, habitat fragmentation, and increased impervious surfaces.
 - f. Help achieve the buildout potential of the County’s General Plan by encouraging development at the densities that are already envisioned by the General Plan.
 - g. Increase demand for pedestrian facilities and bicycle facilities as a result of increased population within the more urban portions of the County.
 - h. Incrementally increase activity in retail establishments and the demand for such services as landscaping, gardening, home cleaning and maintenance.
2. Mitigation Enhancement. The Final EIR contains the following to substantially lessen the significant effects of the project:
 - a. Recommendations to include policy-related mitigation within the County’s existing regulatory framework, in order to reduce potential impacts to a variety of resources.
 - b. Sensitive habitat surveys and restoration plans for individual projects located in potentially sensitive areas, as determined by the County.
 - c. Wetland delineations for individual projects within wetland areas.

- d. Seasonally-timed rare plant surveys and wildlife surveys to determine the potential for rare plants and/or sensitive wildlife species to occur on individual project sites, respectively, as well as measures to reduce impacts to rare plants and/or sensitive wildlife species should they occur.
 - e. Bird pre-construction surveys and associated mitigative actions to avoid impacts to nesting raptors and other avian species.
 - f. Minimized road widths adjacent to open space/agricultural areas.
 - g. Surveys for migration corridors and design measures to accommodate wildlife passage.
 - h. Two mitigation measures from the Final EIR are proposed for addition to the Land Use Ordinance as a part of the amendment package. These include: (1) the promotion of telecommuting so that future residences be constructed with internal wiring/cabling that allows telecommuting, teleconferencing and telelearning to occur simultaneously in at least three locations in each residence; and (2) additions to the grading, sedimentation and erosion control ordinance including requiring that plans show methods for minimizing run-off rates and volumes of storm water on-site to allow percolation to the underlying aquifer and integration of available technologies and techniques to remove pollutants from site run-off prior to entering the drainage courses.
3. Alternatives. The project alternatives identified in the Environmental Impact Report, although feasible from a technical standpoint, are rejected for the following reasons:
- a. **No Project Alternative.** Under the No Project alternative, the proposed Affordable Housing Ordinances would not be implemented and the County would be developed in accordance with existing zoning and General Plan designations. Under this alternative, full General Plan Buildout potential would not likely be realized, because ordinances would not be enacted to reduce regulatory constraints. In addition, this alternative would not encourage affordable housing, promote urban infill, or comply with Smart Growth Principles. Therefore, this alternative is rejected.
 - b. **Program HE 1.4 Exclusion.** This alternative would exclude Program HE 1.4: Revised Residential Development Standards, implementing only Programs HE 1.9 and HE 1.10. This alternative would not implement the project objectives to the same extent as the proposed project, and as a result would not have the same level of affordable housing, urban infill, and smart growth-related benefits.
 - c. **Program HE 1. Exclusion.** This alternative would exclude Program HE 1.9: Require Development of Affordable Housing, implementing only Programs HE 1.4 and HE 1.10. This alternative would not implement the project objectives to the same extent as the proposed project, and as a result would not have the same level of affordable housing, urban infill, and smart growth-related benefits.
 - d. **Program HE 1.10 Exclusion.** This alternative would exclude Program HE 1.10: Establish Minimum Residential Multi-Family Densities, implementing only Programs HE 1.4 and HE 1.9. This alternative would not implement the project objectives to the same extent as the proposed project, and as a result would not have the same level of affordable housing, urban infill, and smart growth-related benefits.
 - e. **Revised County Ordinances to Encourage Infill.** This alternative implements the

proposed Affordable Housing Ordinances and additionally assumes the County would revise other existing ordinances to further direct growth into urbanized areas and away from rural areas. Although this was identified as the environmentally superior alternative, the County is not prepared to revise additional existing ordinances at this time. However, approval of the proposed project does not preclude the future implementation of actions that would fulfill the intent of this alternative.

The proposed Affordable Housing Ordinances would be applied on a countywide basis. As such, the project areas are distributed throughout San Luis Obispo County. Therefore, an alternative project site was not evaluated.

VIII. CEQA GENERAL FINDINGS

- A.** The Board of Supervisors finds that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts to the greatest degree practicable. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Affordable Housing Ordinances Final EIR.
- B.** The Board of Supervisors finds that the project, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

IX. MITIGATION MONITORING PROGRAM

- A.** County staff will be primarily responsible for ensuring that all mitigation measures are complied with. In general, policy-related mitigation measures will be implemented either through existing federal, state or local laws, County Ordinances, policies and practices as identified in the Mitigation Monitoring Program. In other cases, policy-related mitigation measures will be implemented into the language of the proposed ordinances. Finally, in some cases, future development within areas identified in the Final EIR will be required to implement project-specific mitigation measures identified in the Final EIR. The County Department of Planning and Building, Planning and Environmental Divisions, will be responsible for implementing the mitigation measure compliance effort. Mitigation measures will be programmed to occur at, or prior to, the following milestones:
 - 1. On an on-going basis, through implementation of applicable federal, state and County laws.
 - 2. Through the provisions of the proposed ordinances, with mitigation measures programmed into the ordinances themselves.
 - 3. By certain future applicants for parcels identified in the Final EIR pursuant to these ordinances, prior to issuance of construction permit/vegetation removal. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.
 - 4. By certain future applicants for parcels identified in the Final EIR pursuant to these

ordinances, during project construction/vegetation removal. These measures are those that need to occur as the project is being constructed or the vegetation being removed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.

5. By certain future applicants for parcels identified in the Final EIR pursuant to these ordinances, prior to completion of construction. These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.).
6. By certain future applicants for parcels identified in the Final EIR pursuant to these ordinances, at the time of project completion or during operation of the project. These are active measures that will commence upon completion of the construction phase and, in most cases, will continue through the life of the project.
7. By certain future applicants for parcels identified in the Final EIR pursuant to these ordinances, prior to approval of discretionary or building permit and/or recordation of the final map.
8. By certain future applicants for parcels identified in the Final EIR pursuant to these ordinances, prior to occupancy or final inspection of the development.
9. By certain future applicants for parcels identified in the Final EIR pursuant to these ordinances, prior to encroachment permit.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

- B.** As lead agency for the Affordable Housing ordinances Final EIR, the (Board of Supervisors) hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.