



Notice of Exemption

Project Title and No.: Mussell / Conditional Use Permit; N-DRC2023-00006 (ED24-001)

Table with 2 columns: Project Location (Specific address) and Project Applicant/Phone No./Email. Includes Applicant Address (Street, City, State, Zip).

Description of Nature, Purpose and Beneficiaries of Project

A request by John Mussell for a Conditional Use Permit (N-DRC2023-00006) to construct 72 multi-family residential units as a planned development on a single parcel totaling 2.57 acres. The proposed project consists of 72 apartment units, 71 will be deed restricted affordable apartment units and one unit will be utilized as a manager's unit.

Name of Public Agency Approving Project: County of San Luis Obispo

Exempt Status: (Check One)

- Ministerial {Sec. 21080(b)(1); 15268}
Declared Emergency {Sec. 21080(b)(3); 15269(a)}
Emergency Project {Sec. 21080(b)(4); 15269(b)(c)}
[X] Categorical Exemption. {Sec. 21159.25}
Statutory Exemption {Sec. }
General Rule Exemption. {Sec. 15061(b)(3)} (also complete GRE form PLN-1124)
Not a Project _____

Reasons why project is exempt:

The project qualifies for a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 21159.25 because the project consists of construction and location of a 72-Unit Multi-Family development including seventy-one (71) low-income and very-low-income deed restricted affordable units located on an existing lot in the office professional (OP)/commercial retail (CR) land use category.

The applicant has provided a biological resources assessment prepared by Ecological Assets Management, LLC dated February 14, 2023. The assessment stated that two biological resources surveys were conducted on December 28, 2022 and February 10, 2023 and found no native habitats present within the 2.57-acre study

area. The subject parcel consists of highly disturbed areas that show a history of previous development and disturbances, which included extensive earthwork over the entire subject parcel, and existing improved roadway/driveway, and areas of bare unvegetated soil. Vegetation observed on the subject parcel is dominated by non-native species commonly found in ruderal/disturbed habitats, with a few scattered native plants species present. Areas adjacent to the 2.57-acre subject parcel consist of existing roadways, a residential development, a U.S. Postal Service facility, and undeveloped areas that were heavily disturbed from earthmoving work conducted in 2007. No creeks, drainage features, wetlands, or riparian habitats are present within or immediately adjacent to the subject parcel. A focused plant survey for special-status species was conducted in May 2022 (Jason Dart, Althouse and Meade, Inc.). No special-status plants were identified on the parcel, including specific focus on federally endangered Pismo clarkia which was confirmed to be blooming at a known reference site in Arroyo Grande. Incorporation of standard avoidance and minimization measures including pre-construction surveys for nesting birds, American badger, and Northern California legless lizard will provide sufficient protection under CEQA for biological resources during implementation of the proposed project. These minimization and avoidance measures along with the standard County requirements under the conditional use permit will ensure any potential impacts to biological features remain less than significant.

A cultural resources survey was provided by Central Coast Archaeological Research Consultants dated January 2023. The project parcel is located on a level dune in the eastern extent of the Nipomo Mesa along the northern margin of the modern Nipomo community. On December 30, 2022 a Sacred Lands Records Search was submitted to the Native American Heritage Commission. On January 5, 2023 results were received from the Native American Heritage Commission Cultural Resources Analyst Cody Champagne that there are no cultural resources of importance to the Native American community within the project area. On January 19, 2023 Terry Joslin Azevedo a principal archaeologist with Central Coast Archaeological Research Consultants conducted an intensive survey of the 170 Magenta Avenue Project site. The field investigation identified no prehistoric or historic cultural resources within the project area. The potential for intact archaeological deposits existing in the study area is low based on the seven previous archaeological surveys and testing programs as well as the present survey. The survey confirms the CCIC records search, and the previous archaeological studies within the current project area that found no evidence of significant archaeological material in the same environmental context. As a result, the report stated that no further archaeological work is required or recommended within the acreage investigated during the study for cultural materials. In regard to potential historical resources, archival research identified the 1925 Brouhard Residence (P40-041154). Research conducted did not indicate the Brouhard family made a significant contribution to the history of Nipomo or the region, nor is the property known to be the site of any important historical events. Therefore, the property is not considered eligible for California Register listing under criteria 1 and 2. Although field surveys discovered the structure has been demolished, there is a possibility that American Period domestic refuse and subsurface features remain. While it is not anticipated that subsurface deposits are historically significant, monitoring during initial grading activities at the location of the house will be required and the monitor will stop work and contact the County Planning and Building Department if discoveries are made.

A traffic analysis was provided by Central Coast Transportation Consulting dated February 16, 2023. The existing roadways in the vicinity of the project include Magenta Lane, which is a two-lane local roadway with no posted speed limit and intermittent pedestrian facilities. Magenta Lane is stop controlled at Tefft Street. Tefft Street is a five-lane, major east-west arterial with a speed limit of 35 miles per hour within the project

vicinity. Tefft Street connects Thompson Avenue and Pomeroy Road to a variety of commercial and retail services, as well as to a full access interchange with US 101. The project will construct one driveway on Magenta Lane, as well as frontage improvements on Magenta Lane including sidewalks along the full length of the project site. There are continuous sidewalks and Class II bike lanes on both sides of Tefft Street in the vicinity of the project. Tefft Street is uncontrolled at Magenta Lane. No bicycle facilities are currently proposed on Magenta Lane in the County Bikeways Plan. Additionally, there are no existing crosswalks at Magenta Lane/Tefft Street. The project would generate 537 net new vehicle trips per weekday, including 45 AM peak hour trips and 52 PM peak hour trips. Project trips would primarily use Magenta Lane and Tefft Street. The analysis concluded that the proposed project would produce VMT levels similar to the adjacent pre-screened areas which would result in a less-than-significant impact regarding VMT.

The project is in alignment with the state air quality regulations, demonstrating a comprehensive approach to environmental considerations. The project is situated to provide residents with convenient access to nearby services, fostering a walkable and bike-friendly environment that encourages alternative modes of transportation. This thoughtful urban planning not only enhances community connectivity but also actively contributes to the reduction of vehicular emissions, aligning with the stringent air quality standards outlined in CEQA. Furthermore, the project showcases a commitment to green measures aimed at offsetting potential impacts to air quality. By incorporating solar energy infrastructure, the project embraces sustainable practices to minimize its carbon footprint. This deliberate integration of renewable energy sources not only complies with CEQA guidelines but also exemplifies a proactive stance toward minimizing environmental impacts associated with traditional energy consumption. The reviewed project not only satisfies the requirements of the air quality section under CEQA but distinguishes itself through its holistic approach, encompassing urban planning strategies that promote alternative transportation and the adoption of green measures such as solar energy. This conscientious effort underscores the project's commitment to environmental responsibility and aligns with the overarching goals of CEQA compliance.

The proposed project is strategically located within a highly accessible and pedestrian-friendly neighborhood, in close proximity to diverse amenities such as shopping centers, supermarkets, parks, schools, employment opportunities, countywide bus transit, and seamless vehicular connectivity to the 101 freeway. Emphasizing a commitment to environmental sustainability, the project will integrate a comprehensive array of green and energy-efficient initiatives which will ultimately reduce emissions. These initiatives include an electric-only fuel source across the entirety of the development, the installation of photovoltaic (PV) solar panels anticipated to substantially mitigate the overall energy consumption of the project, the utilization of energy-efficient lighting and appliances, implementation of water-conserving plumbing fixtures, and incorporation of drought-tolerant landscaping. The San Luis Obispo County Air Pollution Control District (APCD) evaluated the project's operational phase greenhouse gas (GHG) emission impacts using the most recent CalEEMod computer model. The 2030 operational GHG emissions for the proposed project, including amortized construction GHGs, would be 262 metric tonnes carbon dioxide equivalents per year (MT CO₂e /yr). The modelling used the assumptions that the applicant will build carports with solar PV panels able to offset 80% of the projected energy usage. The modeling results indicate that the operational phase would likely be less than an interim GHG threshold of 690 MT CO₂e /yr the county may find to be applicable for this project. APCD is not recommending any operational phase GHG mitigation measures for this project. This multifaceted approach to sustainable design aims to significantly diminish the potential environmental impact of the project, particularly in relation to GHG emissions.

The project will connect to existing public services provided by the Nipomo Community Services District (NCS D). The NCS D's sources of water supply include groundwater from the Santa Maria River Valley Groundwater Basin and imported water from the Nipomo Supplemental Water Project. The applicant provided a letter dated January 17, 2023 from the Nipomo Community Services District that served as an intent to serve letter for water, sewer and solid waste services. A final will serve letter submitted to the Planning and Building Department will be required prior to issuance of building permits. The NCS D would have sufficient water supplies available to serve the project.

There are no mapped surface water features within the project site. The project is located within the County of San Luis Obispo Municipal Stormwater Management Area (MS4 Coverage Area) and compliance with the Central Coast Post-Construction Requirements (Resolution R3-2013-00032) would be required. At the time of application for construction permits, the applicant shall complete a Stormwater Control Plan (SWCP) Application, which includes preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would include best management practice (BMPs), identification of possible pollutants, and an Erosion and Sedimentation Control Plan. In addition, County Inland LUO Section 22.52.120 requires the preparation and approval of an Erosion and Sedimentation Control Plan to minimize potential impacts related to erosion, sedimentation, and siltation. Compliance with existing regulatory requirements would reduce erosion and sedimentation from project activities.

The project would include construction and occupancy of multi-family residential uses and associated outdoor open space/recreation areas on the project site. Ambient noise levels at the project site are primarily influenced by vehicle traffic on US 101 and West Teft Street, which is located near the eastern boundary of the project site. Based on the County's traffic noise contours, predicted traffic noise levels at proposed multi-family land uses located within the eastern-most portions of the project site are projected to reach 60 A-weighted decibels (dBA). Assuming an average exterior-to-interior noise reduction of 25 dBA, predicted interior noise levels would not exceed 45 dBA at residential dwelling units located nearest U.S. Highway 101. Therefore, impacts associated with road noises are considered less than significant.

The project site does not require demolition or other construction activities that could significantly increase ground borne noise levels within the project vicinity. Grading operations may generate ground borne noise; however, any ground borne noise generated during construction activity would be short-term, intermittent, and conducted during daylight hours. Operational uses include residential uses and would not result in an increase in long-term ground borne noise. The project is not anticipated to generate excessive ground borne noise; therefore, impacts would be less than significant. The project property is not located within an ALUP or within the vicinity of a public or private airstrip. Additionally, The project is required to comply with Section 22.10.120 of County Code, which exempts construction-related noise occurring between 7:00 a.m. and 9:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 p.m. Saturday or Sunday. Furthermore, this Section of code exempts noise sources associated with the maintenance of a residential uses between the hours of 7:00 a.m. and 9:00 p.m. seven days a week.

The project will not contribute to any cumulative impact of successive projects of the same type in the same place, as the project site is not adjacent to any other multi-family development. There is no evidence that the

project will have a significant effect on the environment due to unusual circumstances. There are no scenic resources, including trees, historic buildings, rock outcroppings located on site, and the project is not located within view of a state scenic highway. The project site is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. As discussed above, the project will not cause a substantial adverse change in the significance of a historical resource.

Due to the project criteria discussed, the project will not result in a significant impact.

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(805) 788-9470

Lead Agency Contact Person

Telephone

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| <p>If filed by applicant:</p> <p>1. Attach certified document of exemption finding</p> <p>2. Has a notice of exemption been filed by the public agency approving the project? Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
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Signature: *Lane Sutherland* Date: February 13, 2024

Name: Lane Sutherland Title: Planner

On August 20, 2024 the project was Approved by:

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| <input checked="" type="checkbox"/> Board of Supervisors | <input type="checkbox"/> Subdivision Review Board | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Planning Dept Hearing Officer | |