TO: BOARD OF DIRECTORS

FROM: BRUCE BUEL

DATE: JULY 3, 2009

AGENDA ITEM
E-2
JULY 8, 2009

CONSIDER PARK INITIAL STUDY AND MAKE ENVIRONMENTAL DETERMINATION

ITEM

Consider park initial study and make environmental determination [AUTHORIZE CIRCULATION OF NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION OR TAKE ALTERNATE ACTION]

BACKGROUND

Attached is an Initial Study for transfer of land from the County to NCSD, activation of NCSD's Latent Parks Authority, formation of an assessment district, and development and operation of the proposed Olde Towne Neighborhood Park (potentially Jim O. Miller Park) prepared by Doug Wood of Doug Wood and Associates. As set forth in the Initial Study, there are no significant adverse environmental impacts assuming the proposed mitigations are implemented. Should your Honorable Board agree with this evaluation, then the next step would be to circulate a Notice of Intent to Adopt a Mitigated Negative Declaration. The Notice of Intent would be mailed to responsible agencies, trustee agencies and interested parties along with a copy of the Initial Study. Following closure of the 30 day review period, the District would append comments received to the Initial Study and finalize its environmental determination. Staff would also mail a Notice of Availability to the 417 properties within the proposed Zone of Benefit.

Doug Wood from DWA is scheduled to present the Initial Study at the Board meeting.

FISCAL IMPACT

Preparation of the Initial Study cost approximately $10,000 including the detailed biological and cultural studies. Development of this draft did use previously budgeted staff time and legal consulting cost.

RECOMMENDATION

Staff recommends that the Board review and edit the Initial Study and determine that there are no apparent significant adverse environmental impacts assuming proper mitigation and authorize staff to circulate a Notice of Intent to Adopt a Mitigated Negative Declaration to all responsible agencies, trustee agencies and interested parties.

ATTACHMENTS

- Draft Initial Study

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MILLER PARK

ASSESSMENT DISTRICT FORMATION AND

PARK CONSTRUCTION PROJECT

DRAFT
EXPANDED INITIAL STUDY

Prepared for:

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June 30, 2009

I. INTRODUCTION AND PURPOSE

This Expanded Initial Study assesses the potential environmental impacts and identifies appropriate mitigation measures associated with the proposed Miller Park Assessment District Formation and Park Construction project (to be referred to herein as the "Miller Park project," or "proposed project" or "proposed park facilities"). The Nipomo Community Services District, as Lead Agency for this environmental document, has the responsibility for determining whether or not to approve the proposed park facilities to be operated by the Nipomo Community Services District.

As part of their decision-making process, the Nipomo Community Services District is required to review and consider the potential environmental effects that could result from this proposal. Together with the technical analyses applicable to this project and other environmental documents incorporated by reference, this analysis will serve as the environmental review for the proposed project. This review is required by the California Environmental Quality Act of 1970 (CEQA) as amended (Public Resources Code Section 21000 et. seq.) and the State CEQA Guidelines as well as Guidelines for the Implementation of CEQA adopted by the Nipomo Community Services District.

The Nipomo Community Services District is preparing this Expanded Initial Study to assist in their consideration of whether to prepare a Negative Declaration, a Mitigated Negative Declaration or an Environmental Impact Report for this project. In the event that an EIR is required, this Initial Study will focus the EIR on the effects determined to be potentially significant, identify any impacts determined to not be significant, describe the anticipated extent of analyses within the EIR and to assist the public and other responsible agencies in their evaluation of the proposed project and their formulation of initial environmental concerns in response to the Notice of Preparation.

This Expanded Initial Study will be the final environmental document for the proposed project pursuant to CEQA requirements if a Negative Declaration or a Mitigated Negative Declaration is required. Section 15070 of the State CEQA Guidelines states that "a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when the Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment." This determination would be based upon the information and analyses contained in this Expanded Initial Study in combination with any documents incorporated by reference.

This Expanded Initial Study has been prepared in a manner which provides complete and adequate California Environmental Quality Act (CEQA) coverage for all actions and approvals associated with the proposed project. These actions include: formation of an Assessment District to provide the means to fund construction, operation and maintenance of the proposed park facilities; approval of a land transfer by the County of

San Luis Obispo; approval of an application to activate Parks Latent Authority by the San Luis Obispo Local Agency Formation Commission; design approval and authorization to proceed with construction of the proposed park facilities and certification of this Expanded Initial Study by the Nipomo Community Services District. The proposed project will also require issuance of grading permits and building permits by the County of San Luis Obispo and obtaining the 60-foot abandoned Pacific Coast Railway right-of-way immediately west of the project site.

This Expanded Initial Study begins with Section I. Introduction and Purpose, which provides an introductory discussion of the purpose and scope of the document. Section II. Summary/Mitigation Monitoring Program summarizes the potential impacts and proposed mitigation measures. This section also contains the State-mandated Mitigation Monitoring Program (pursuant to AB3180). Section III. Project Description provides a detailed description of the proposed Miller Park project.

Section IV. Environmental Setting provides an overview description of existing environmental conditions within and in the vicinity of the project site.

Section V. Environmental Evaluation contains the environmental checklist required by Section 15063(d)(3) of the State CEQA Guidelines. This checklist is intended to determine the nature and extent of various environmental effects of the proposed project followed by an explanation to justify the determination. In many instances, project impacts are identified as "no impact" or "less than significant impact." The summary discussion following the checklist item provides the basis for this determination. Checklist items identified as "potentially significant unless mitigation incorporated" or "significant impact" are discussed in greater detail in Section VI. Impacts and Mitigation Measures. Section VII. Environmental Determination makes the final determination as to whether a Mitigated Negative Declaration is appropriate. Section VIII. Certification provides the required Lead Agency Certification Statement.

Section 15150 of the State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data to the proposal currently being considered. The South County General Plan, Inland as well as other long-range planning documents prepared by the County of San Luis Obispo as noted throughout this Expanded Initial Study are hereby incorporated by reference.

This Expanded Initial Study provides a full and objective discussion of the potential environmental impacts of the proposed Miller Park project. In preparing this document, the Nipomo Community Services District decision-makers, staff and members of the public will be fully informed as to the potential impacts and required mitigation measures associated with the proposed project. In accordance with Section 15021 of the State CEQA Guidelines, this document is intended to enable the Nipomo Community Services District, as Lead Agency for this environmental document, to evaluate these environmental impacts and mitigation measures in their consideration of the proposed

project. The Lead Agency has an obligation to balance possible adverse effects of the project against a variety of public objectives, including economic, environmental and social factors, in determining whether the project is acceptable and approved for development.

Pursuant to California Public Resources Code 21082.1, the Nipomo Community Services District has independently reviewed and analyzed the information contained in this Expanded Initial Study prior to its consideration and certification. The conclusions and discussions contained herein reflect the independent judgment of the Nipomo Community Services District to those issues at the time of publication.

II. SUMMARY/MITIGATION MONITORING PROGRAM

This Expanded Initial Study assesses the potential environmental impacts and identifies appropriate mitigation measures for the potential impacts associated with the proposed Miller Park project.

A. PROJECT SUMMARY

The proposed Miller Park project will contain a variety of neighborhood park facilities which are intended to facilitate its anticipated future use for individual recreation, picnics, a farmer's market and other outdoor events or activities. The proposed park facilities include a gazebo, picnic facilities, a railroad memorial, pole barn, restrooms, a pedestrian/bike path, interior paths, parking, fencing, lighting, utilities and landscaping in the form of trees, shrubs and softscape (see Figure 4, Proposed Park Facilities).

The proposed project involves a series of approvals and discretionary actions by the Nipomo Community Services District and other involved local agencies. These actions include: the formation of an Assessment District to provide the means to fund construction and operation of the proposed park facilities; approval of a land transfer by the County of San Luis Obispo; approval of an application to activate Parks Latent Authority by the San Luis Obispo Local Agency Formation Commission; design approval and authorization to proceed with construction of the proposed park facilities and certification of the Expanded Initial Study by the Nipomo Community Services District. The proposed project will also require issuance of grading permits and building permits by the County of San Luis Obispo and obtaining the 60-foot abandoned Pacific Coast Railway right-of-way immediately west of the project site.

The proposed project will be constructed in two phases. The first phase will include all required project grading as well as construction of the proposed restrooms, paths, parking lot, fencing, lighting, utilities and landscaping all of which will require three months. Other structures, including the gazebo, pole barn, railroad memorial and picnic facilities, will be constructed in the second phase which will be completed when funding for these facilities is available.

B. IMPACT/MITIGATION SUMMARY AND MITIGATION MONITORING PROGRAM

Provided below is a summary listing of all potentially significant environmental impacts and mitigation measures associated with the proposed project. Following each mitigation measure is an indication of the action involved with enforcement or implementation of the mitigation measure (i.e. "Specific Action"), the timing of implementation (i.e.

"Mitigation Milestone") and the Responsible Monitoring Party. This Mitigation Monitoring Program is intended to reflect the requirements of AB 3180 which requires a monitoring program to insure the implementation of these mitigation measures.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
Water The proposed project will result in short-term landform alteration during project grading which could potentially alter the composition of surface runoff. This may degrade downstream water quality within the adjacent Nipomo Creek tributary.	1. Prior to the issuance of grading permits, a detailed Drainage and Erosion Control Plan shall be submitted to the County of San Luis Obispo for review and approval. These plans shall maintain the existing site drainage patterns to the greatest extent feasible with drainage flows during project construction directed to an on-site detention basin. The Drainage and Erosion Control Plan shall include, but may not be limited to, the following elements: a. In order to avoid erosion at drainage discharge locations during project construction, erosion control devices such as temporary berms, culverts, sandbagging or detention basins will be provided where necessary. b. Drainage from areas disturbed by project grading shall be directed to an on-site detention basin.	Preparation of a detailed Drainage and Erosion Control Plan to maintain existing on-site drainage patterns to the greatest extent feasible with drainage flows during project construction directed to an on-site detention basin.	Prior to and during project grading and construction.	County of San Luis Obispo and the Nipomo Community Services District.
Air Quality Fugitive dust will be generated during grading required for the proposed project.	2. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and	Use water trucks or sprinklers for dust control.	During project grading and construction	Nipomo Community Services District and County of San Luis Obispo

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	after work is done for the day. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed water shall be used for dust control and other construction-related purposes during project construction.			
	3. All dirt stockpile areas shall be sprayed daily as needed.	Spray dirt stockpile areas.		
	4. Exposed ground areas that are planned to be reworked at dates greater than one month shall be sown with a fast-germinating native grass seed and watered until vegetation is established.	Plant native grass seed on exposed surfaces.		
	5. 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.	Stabilize disturbed soils.		
	6. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.	Restrict construction vehicle speeds.		
	7. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.	Cover or maintain adequate freeboard on all hauling trucks		
	8. Streets shall be swept 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 possible.	Sweep streets containing soil material.		

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
Transportation/Circulation				
The proposed project may result in the temporary diversion of automobile traffic, pedestrians or bicyclists on Tefft Street at the project entrance during grading and construction.	9. All project construction sites accessing onto or occurring adjacent to public roadways shall provide adequate signage, barriers and, if necessary, flagmen in order to insure safe diversion of vehicular traffic, bicyclists and/or pedestrians. These measures shall also insure continued access from adjacent properties to local roadways.	Provision of adequate signage, barriers and, if necessary, flagmen	During project grading and construction.	Nipomo Community Services District.
Biological Resources				
The proposed project has the potential to result in temporary impacts to nesting birds protected under the Migratory Bird Treaty Act and the Coast horned lizard.	10. Project construction activities shall be conducted prior to, or after, the nesting season (February 15 to September 15) in order to avoid any potential impacts to nesting birds protected by the Migratory Bird Treaty Act. This shall include any necessary vegetation and/or tree removals which could disrupt nesting birds. Therefore, construction activities should be conducted between the months of October and January to the extent feasible. 11. If Measure No. 10, above, is infeasible, pre-construction surveys shall be conducted by a qualified biologist two weeks prior to the initiation of construction activities, if initiated between February 15 and September 15 (i.e., nesting bird season) in order to to identify potential bird nesting sites: a. If active nest sites of common bird species protected under the MBTA (e.g., northern	Avoidance of construction during the bird nesting season or through conducting pre-construction surveys during the nesting season as well as conducting a worker orientation program to minimize impacts to sensitive species.	Prior to and during project grading and construction.	Nipomo Community Services District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	mockingbird, house finch, etc.) and Fish and Game Code 3503 and 3503.5 are observed within 300 feet of construction activities, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young and b. If active nest sites of raptors and/or species of special concern are observed within the vicinity of the project site, construction shall be avoided or terminated until the CDFG is contacted and an appropriate buffer zone around the nest is established. Construction activities in the buffer zone shall be prohibited until the young have fled the nest or the nest is abandoned. 12. A qualified biological monitor shall conduct a worker orientation program for all construction contractors (site supervisors, equipment operators and laborers) which emphasizes the potential for presence of special-status species within the project site (i.e., CRLF, Coast horned Lizard), identification their habitat requirements and applicable regulatory policies and provisions regarding their protection, and measures being implemented to avoid and/or minimize impacts.			
The proposed project may indirectly impact the riparian scrub community and in-stream habitat of the adjacent Nipomo Creek tributary.	13. A qualified biologist shall be retained to conduct a pre-construction survey of the Riparian Scrub (Nipomo Creek) and Coyote Brush Scrub areas in the vicinity of the project site. In the event that any special-status species are identified within the project areas (i.e., CRLF, southwestern pond turtle, Coast horned lizard), all work shall be delayed and the appropriate agencies	Conducting pre-construction surveys; establishment of equipment staging and crew parking areas; provision of	Prior to and during project grading and construction.	Nipomo Community Services District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	shall be contacted for further consultation. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species from the project area. 14. All equipment staging, construction-crew parking areas shall be established within the pre-designated staging areas identified on construction plans. This shall include pre-designation of all staging areas to facilitate completion of the development activities. Additionally, all construction access routes shall be established in previously disturbed areas and/or existing roadways. 15. Exclusionary fencing will be erected at the boundaries of the construction areas to avoid equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species (i.e., Nipomo Creek). The exact location of exclusionary fencing for each construction area shall be determined by a qualified biological monitor. The fencing shall remain in place throughout the construction phase for each individual project component. 16. During construction, washing, refueling and maintenance of equipment shall occur only in designated areas. Hay bales, sandbags and sorbent pads shall be available to contain spilled fuel and/or equipment lubricants to prevent migration into Nipomo Creek.	exclusionary fencing; washing, refueling and maintaining construction equipment in designated areas; inspection of construction equipment; litter control; conducting biological monitoring and a worker orientation program; provision of a 50-foot setback from the Nipomo Creek tributary channel; provision of landscape plans that emphasize the use of native, non-invasive plants; shielding of nighttime lighting and the preparation or erosion control, stormwater prevention, spill contingency and stormwater runoff		

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	17. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present. 18. The construction zone shall be kept free from litter by providing suitable disposal containers for trash and all consumption-generated material wastes. These containers shall be emptied at regular intervals and the contents properly disposed.	water quality protection plans.		
The proposed project may indirectly impact the riparian scrub and in-stream habitat of the adjacent Nipomo Creek corridor, an important wildlife migration corridor.	19. A 50-foot set-back from the Nipomo Creek channel shall be illustrated on final construction plans and adhered to throughout the project. At no time shall any equipment and/or materials staging be allowed within the 50-foot set-back area. 20. Prior to commencing construction, the applicant shall prepare the following plans and agency permit applications, and shall implement all plans prior to, during and immediately following construction activities: a. In compliance with the San Luis Obispo County Land Use Ordinance, the applicant shall prepare an Erosion and Sedimentation Control Plan (ESCP) outlining measures to address both temporary (i.e., post-construction) methods for stabilizing soil and minimizing soil loss from the proposed project site. All applicable measures shall be included on final construction plans and adhered to throughout the project.	The provision of a 50-foot setback from the Nipomo Creek tributary channel; provision of landscape plans that emphasize the use of native, non-invasive plant species; provision of signed exclusionary fencing; shielding of nighttime lighting and the preparation of erosion control, stormwater prevention, spill contingency and stormwater runoff water quality	During project grading and construction.	Nipomo Community Services District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	b. All project operations shall comply with the requirements under the General Construction Storm Water General Permit, issued by the State Water Resources Control Board (SWRCB) (Permit Order 99-08-DWQ). Such requirements will include preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the project site. c. A Spill Contingency Plan (SCP) outlining measures to prevent the release of petroleum and hazardous materials including containment methods for emergency clean-up operations. Prevention measures shall include, but are not limited to identification of appropriate fueling areas away from sensitive habitat areas such as swales and/or drainages, a maintenance schedule for equipment and a list of appropriate containment and spill response materials to be stored on-site. All vehicles shall be staged only in appropriately marked and protected areas and at no time shall any cleaning and/or refueling of equipment be allowed upslope and/or within the vicinity of drainages. If an accidental spill of a hazardous or toxic material occurs, the Regional Water Quality Control Board (RWQCB), CDFG and California Department of Toxic Substances (CDTS) shall be notified. 21. Final landscape plans for the proposed park shall	protection plans.		

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	emphasize the use of California native, drought-tolerant plant species and shrubs. At no time shall any plant species listed by the California Invasive Plant Council (Cal-IPC) be included in the final landscaping plan for the proposed park. 22. The proposed walk/bike trail and cul-de-sac turnaround shall be installed no less than 50 feet from the top of the bank of Nipomo Creek. The final location of the walk/bike trail, cul-de-sac turnaround and associated 50-foot buffer shall be illustrated on all final plans and shall include permanent fencing and signage informing the public that the creek corridor is a "Sensitive Habitat Area". 23. Any required nighttime park lighting shall be shielded away from adjacent wildlife habitat areas of Nipomo Creek and pointed downward to minimize light and glare impacts on wildlife. 24. In the event that a storm water drop inlet is required along the cul-de-sac turnaround to Nipomo Creek, the appropriate regulatory agency permits shall be obtained prior to installation (e.g., CDFG, RWQCB, Corps, etc.). As necessary, impacted areas due to installation of the storm drainage system shall be mitigated per agency permit requirements. Lastly, all drop inlets shall contain appropriate oil/water separators per current regulatory standards for protection of water quality.			

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
Utilities				
The proposed project will result in short-term landform alteration during project construction which could potentially alter the composition of surface runoff. This may degrade downstream water quality within the adjacent Nipomo Creek tributary.	25. Prior to the issuance of grading permits, a detailed Drainage and Erosion Control Plan shall be submitted to the County of San Luis Obispo for review and approval. These plans shall maintain the existing site drainage patterns to the greatest extent feasible with drainage flows during project construction directed to an on-site detention basin. The Drainage and Erosion Control Plan shall include, but may not be limited to, the following elements: a. In order to avoid erosion at drainage discharge locations during project construction, erosion control devices such as temporary berms, culverts, sandbagging or detention basins will be provided where necessary. b. Drainage from areas disturbed by project grading shall be directed to an on-site detention basin.	Preparation of a detailed Drainage and Erosion Control Plan to maintain existing on-site drainage patterns to the greatest extent feasible with drainage flows during project construction directed to an on-site detention basin.	Prior and during project grading and construction	County of San Luis Obispo and the Nipomo Community Services District.
The proposed project will generate demand for water for irrigation and drinking purposes.	26. In accordance with the Uniform Plumbing Code, ultra low-flow toilets (1.6 gallons per flush) shall be installed within the proposed restrooms. 27. The proposed project shall, where possible, utilize efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots.	Implementation of water conservation measures including low flush toilets, efficient irrigation systems and other water conservation methods.	Prior to project grading and construction	Nipomo Community Services District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	28. All landscape plans shall reflect the following water conservation methods: landscape with low water consuming plants; group plants with similar irrigation requirements to reduce over-irrigation; use of mulch in order to improve the water holding capacity of the soil by reducing evaporation and soil compaction and installation of efficient irrigation systems that minimize runoff and evaporation and maximize the amount of water that will reach the plant roots. Drip irrigation, soil moisture sensors and automatic irrigation systems also represent methods of increasing irrigation efficiency.			
Aesthetics				
The proposed project will include the provision of lighting which may potentially result in the generation of additional light and glare.	29. Prior to the issuance of building permits, a detailed Exterior Lighting Plan shall be submitted to the County of San Luis Obispo for review and approval. This plan shall specify the following: a. All lighting fixtures shall be directed downward and shielded so that neither the lamp nor the interior reflective surface is visible from areas outside the boundaries of the project site. b. All lights, poles, fixtures and hoods shall be dark, non-reflective colors. c. Security lighting shall be shielded with lighting heights no more than is absolutely necessary so as not to create glare when viewed from areas outside the boundaries of the project site.	Submittal of detailed Exterior Lighting Plan to insure that all project lighting is shielded , non-reflective and directed downward.	Prior to project grading and construction.	County of San Luis Obispo.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
Cultural Resources				
The proposed project may result in the excavation of paleontological and archaeological resources during project grading.	30. If any paleontological and/or archeological resources are encountered during project grading, a qualified paleontologist/archeologist shall be empowered to temporarily halt or redirect construction equipment while resources are evaluated and appropriate recommendations made.	Retention of a qualified archaeologist/ paleontologist if cultural resources are encountered.	During project grading and construction.	Nipomo Community Services District.
The proposed project may result in the excavation of historic resources associated with the Pacific Coast Railway during project grading.	31. A qualified historic archeologist familiar with the Pacific Coast Railway history shall prepare a historic monitoring program that includes a preconstruction workshop for the construction crew. 32. A qualified historic archeologist shall conduct monitoring of initial project grading. The Pacific Coast Railway Museum shall be notified and may assist in the monitoring of the initial project grading or in any assessment that may be necessary if subsurface evidence of the depot or other facilities are unearthed.	Preparation of an Historic Resources Monitoring Program which includes a preconstruction workshop, monitoring of initial project grading, retention of the existing Pacific Coast Railway plaque, sign and any remaining rails and minimizing surface disturbances while grading in the depot area.	Prior to and during project grading and construction	Nipomo Community Services District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	33. The existing Pacific Coast Railway plaque, crossing sign and any remaining rails shall remain in place. 34. The design of the proposed project shall minimize subsurface disturbances and major grading of the depot area in order to avoid potential impacts to significant historic resources.			

C. Determination

It has been determined that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this document have been added to the project.

III. PROJECT DESCRIPTION

A. PROJECT LOCATION

The proposed Miller Park Assessment District Formation and Park Construction project (to be referred to herein as either the "Miller Park project" or "proposed project") is located at the northeast corner of the intersection of Carrillo and West Tefft Streets within the unincorporated community of Nipomo. West Tefft Street runs along the southern boundary of the project site with the Pacific Coast Railway right-of-way and Carrillo Street to the west. Branch Street, which is currently a "paper street" runs along the northern site boundary with vacant land zoned Commercial to the east. The subject property also forms the entrance to the east side of the Olde Towne Design Area. The 1.4 acre project site is located approximately one-quarter mile east of Highway 101 and the Tefft Street interchange (see Figure 1, Location Map, Figure 2, Vicinity Map and Figure 3, Aerial Photograph).

B. PROJECT OBJECTIVES

The basic objective of the proposed project is to construct and operate a 1.4 acre neighborhood park which will provide additional recreational opportunities for the residents of Nipomo particularly those residing in or visiting areas within the vicinity of the proposed park site. Given its size and the nature of the proposed facilities (as described in Section III.C. Project Characteristics below), it is anticipated that a major portion of people utilizing these facilities will be residents in areas east of Highway 101 and in proximity to Tefft Street.

C. PROJECT CHARACTERISTICS

The proposed Miller Park project will contain a variety of neighborhood park facilities which are intended to facilitate its anticipated future use for individual recreation, picnics, a farmer's market and other outdoor events or activities. The proposed park facilities include a gazebo, picnic facilities, a railroad memorial, pole barn, restrooms, a pedestrian/bike path, interior paths, parking, fencing, lighting, utilities and landscaping in the form of trees, shrubs and softscape (see Figure 4, Proposed Park Facilities).

a. Gazebo

A Craftsman-style gazebo measuring approximately 30 feet in diameter will be provided which will contain interior lighting and electrical outlets. The gazebo will be located near the northwest corner of the project site and will be constructed on a two-foot high raised concrete foundation with steps and an ADA compliant ramp for access.

b. Picnic Facilities

Proposed picnic facilities will include benches and two drinking fountains. The picnic benches will be constructed of concrete with decomposed granite (DG) used as a ground surface in this area. The drinking fountains will be free standing and will include a pet pool.

c. Railroad Memorial

The existing Railroad Memorial is located at the southwest corner of the project site, at the northwest corner of the Carrillo Street/Tefft Street intersection. It currently contains signs and will be the location of a future railroad monument.

d. Pole Barn

The proposed pole barn will be approximately 20 feet wide by 80 feet long and will be designed to be suitable for public use. It will be located adjacent to the proposed parking facilities along the western site boundary and will contain interior lighting and electrical outlets. The pole barn will be constructed on a decomposed granite base with a six inch concrete band around its perimeter.

e. Restrooms

A 14 foot by 14 foot restroom building will be provided near the southwest corner of the park. The restroom building will have separate men's and women's facilities, each with one stall, and will have interior as well as shielded exterior lighting. The building will be constructed on a concrete foundation with water and sewer service to the building provided by the Nipomo Community Services District.

f. Pedestrian/Bike Path

A pedestrian/bike path will be constructed from the current terminus of Branch Street to the northeast corner of the park. This pedestrian/bike path is intended to provide access to areas northwest of the park. It will be comprised of a decomposed granite surface and will be lined on both sides with a two rail fence in order to keep trail users on the path and to protect adjacent open space areas

g. Interior Paths

Within the park area, six-foot wide paths will be incorporated into the design in order to provide access to various park facilities. A twelve-foot wide path will also be provided in order to allow restricted vehicular access to the pole barn. All paths will be comprised of decomposed granite with bender board on each side of the trail.

h. Parking

The proposed parking lot will be located along the western site boundary within the 60-foot Pacific Coast Railway right-of-way. This abandoned right-of-way will be obtained by the Nipomo Community Services District for this purpose. The parking lot will contain one row of 17 parking stalls and two travel lanes. A cul-de-sac at the far, north end of the parking lot will be provided as a turnaround for cars and emergency vehicles. Branch Street is not proposed to be extended to the proposed parking lot. The parking lot will be comprised of 8-inches of Class II base or bedrock with two paved stalls in order to comply with ADA requirements.

i. Fencing

A two rail, vinyl fence shall run along the north, west and south sides of the proposed park. Path entrances and the east side of the park will not be fenced.

j. Lighting

Lighting in the proposed park will be provided within the gazebo, the pole barn and within the interior and exterior of the restroom building.

k. Utilities

Required electrical, water and sewer service will be extended to the park in order to serve the proposed park facilities noted above.

l. Landscaping

Landscaping in the form of trees, shrubs and softscape will be provided throughout the proposed park. Trees will be installed as 24-inch box specimens. A Christmas Tree will be located near the center of the park. Electrical service will be extended to the tree in order to provide power for holiday lighting or other decorations. Lawn area (hydroseed mix) will be installed throughout the park area. Space will also be provided for a 20 foot by 80 foot Memorial Rose Garden (to be provided by others) along the eastern site boundary.

D. PROJECT APPROVALS

The proposed project involves a series of approvals and discretionary actions by the Nipomo Community Services District and other involved local agencies. These actions include: the formation of an Assessment District to provide the means to fund construction and operation of the proposed park facilities; approval of a land transfer by the County of San Luis Obispo; approval of an application to activate Parks Latent Authority by the San Luis Obispo Local Agency Formation Commission; design

approval and authorization to proceed with construction of the proposed park facilities and certification of the Expanded Initial Study by the Nipomo Community Services District. The proposed project will also require issuance of grading permits and building permits by the County of San Luis Obispo and obtaining the 60-foot abandoned Pacific Coast Railway right-of-way immediately west of the project site.

a. Assessment District Formation

The Nipomo Community Services District will proceed with formation of an Assessment District as a means of funding construction, operations and maintenance of the Miller Park project. The Landscape and Lighting Assessment Act of 1972 provides the District with the authority to pursue this funding mechanism. In accordance with the requirements of Proposition 218, public hearings with full public notification are required in order to form an Assessment District. Under the Landscape and Lighting Assessment Act of 1972, costs for improvements such as the installation, operations, and maintenance of a park or recreational facilities can be assessed to an established area that consists of all parcels that will benefit from such improvements.

b. Land Transfer

The 1.4 acre Miller Park site is currently under the ownership of the County of San Luis Obispo. The Nipomo Community Services District will obtain the project site from the County for use as a neighborhood park, given approval by both agencies of the terms of the land transfer.

c. Parks Latent Authority

The Nipomo Community Services District currently possesses the "latent powers" to construct, operate and maintain the proposed Miller Park project, however, such powers have not been activated. Such activation of these powers, which is subject to approval by the San Luis Obispo Local Agency Formation Commission (LAFCO), is required in order for the District to proceed with the proposed project. In accordance with sections 56824.12 56653 of the Cortese-Knox-Hertzberg Act, LAFCO will require the District to provide a plan for services which indicates the nature and extent of these proposed park facilities, the total estimated costs for these proposed improvements, a plan for financing the costs of construction, operation and maintenance of these proposed park facilities, an indication of the description of services to be provided to the area benefiting from these services and an environmental assessment in the form of either a Negative Declaration or Environmental Impact Report for the proposed project.

d. Design Approval and Construction

The Nipomo Community Services District will oversee and ultimately approve the detailed engineering and design plans for the proposed Miller Park project, the nature and extent of which is described in Section III.C. Project Characteristics.

e. Environmental Certification

This Expanded Initial Study will evaluate the potential environmental impacts associated with the construction, operation and maintenance of the proposed Miller Park project. This Expanded Initial Study will assist the District in their consideration of whether to prepare a Negative Declaration, a Mitigated Negative Declaration or an Environmental Impact Report for this project. In the event that an EIR is required, this Initial Study will focus the EIR on the effects determined to be potentially significant, identify any impacts determined to not be significant, describe the anticipated extent of analyses within the EIR and to assist the public and other responsible agencies in their evaluation of the proposed project and their formulation of initial environmental concerns in response to the Notice of Preparation.

This Expanded Initial Study will be the final environmental document for the proposed project pursuant to CEQA requirements if a Negative Declaration or a Mitigated Negative Declaration is required. Section 15070 of the State CEQA Guidelines states that "a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when the Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment." This determination would be based upon the information and analyses contained in this Expanded Initial Study in combination with any documents incorporated by reference.

In accordance with the State CEQA Guidelines, the final environmental document will enable the Nipomo Community Services District, as lead agency, to evaluate these environmental impacts and mitigation measures in their consideration of the proposed project.

f. Building and Grading Permits

The proposed Miller Park project will require approval of building and grading plans as well as utility plans, landscape plans, etc. by the County of San Luis Obispo, Departments of Building and Planning and Public Works.

g. Right-of-Way Acquisition

The Nipomo Community Services District will obtain a 60-foot abandoned Pacific Coast Railway right-of-way which runs along the western boundary of the project site. This area will be devoted to the proposed parking facilities.

E. PROJECT TIMING

The proposed project will be constructed in two phases. The first phase will include all required project grading as well as construction of the proposed restrooms, paths, parking lot, fencing, lighting, utilities and landscaping all of which will require three months. Other structures, including the gazebo, pole barn, railroad memorial and picnic facilities, will be constructed in the second phase which will be completed when funding for these facilities is available.

IV. ENVIRONMENTAL SETTING

The 1.4 acre Miller Park site is located at the northeast corner of the intersection of Carrillo and West Tefft streets within the unincorporated community of Nipomo. The project site is currently vacant and is heavily vegetated with tall, dry grasses which are regularly mowed. The project site is located approximately one-quarter mile east of Highway 101 and the Tefft Street interchange.

- ***Topography***

The Miller Park project site contains nearly level to gently sloping topographic conditions with slope gradients between zero and two percent. The project area, located within the Nipomo Mesa, has a surface elevation of approximately 270 feet above mean sea level. Elevation changes in the area are due to smoothly eroded hills and shallow linear valleys. Surface elevations across the mesa gently decrease from east to west consistent with the coastal plain in the surrounding area.

- ***Geology and Soils***

The Nipomo Mesa and adjacent coastal areas are underlain by massive sand dune deposits whose thickness ranges from approximately 70 to 80 feet in the project area. Given these conditions, landslide potential is considered to be negligible with liquefaction potential being unlikely. While the Natural Resource Conservation Service Soil Survey identifies the potential erodibility of this soil type to be high, the relatively flat nature of the project area reduce the occurrence of potentially significant erosion and sedimentation.

The project area, while located within the seismically-active Central Coast region, lies outside any fault rupture zones (formerly Special Studies zones) established by the Alquist-Priolo Act of 1972. Should a major earthquake occur in the area, significant groundshaking is expected to occur. The San Andreas Fault is considered the most likely to generate a major earthquake in the region in the near future. Such an earthquake is expected to produce moderate to strong ground shaking at the Nipomo Mesa.

- ***Drainage***

The project site is a flat river terrace which drains to the north and northwest into a tributary of Nipomo Creek which runs along the north and northwest boundaries of the project site. The project area is located within the Nipomo Creek watershed area which contains approximately 16,318 acres. The project area east of Highway 101 is characterized by open flat areas, linear valleys and hilly knolls. Slopes generally range

between zero and five percent. Drainage in the project area is conveyed by streets and underground pipes in developed areas and via sheet flow in undeveloped areas.

- ***Biological Resources***

The project site contains non-native grasses and ruderal (weedy) plant species. The project site and surrounding area contains four habitat types: coyote brush scrub, riparian scrub, ruderal (disturbed) and developed habitats. A total of 34 vascular plant species were identified within the area during the field surveys. Plants observed consisted of 10 (29 percent) native taxa and 24 (71 percent) non-native naturalized taxa. A total of 16 bird species and at least eight mammalian species were also observed during field surveys, all of which were expected to occur within the habitat types found on the project site. Given the existing vegetation and its disturbed nature, the project site has a low probability of any sensitive plant species being found in the project area.

- ***Land Use***

Areas adjacent to the Miller Park site include existing residential uses immediately to the east and a mix of residential, commercial and office uses adjacent to Tefft Street and other local roadways. Approximately one-quarter mile west of the project site is Highway 101 beyond which are commercial, residential and agricultural uses.

The project site is currently designated Public Facilities by the South County Area Plan. Land use designations in areas adjacent to the project site include Commercial Retail to the west, north and east and Public Facilities, Commercial Retail and Office Professional to the south across Tefft Street from the project site.

- ***Traffic and Circulation***

Primary access to the project area is provided via State Highway 101. In the project area, Highway 101 is a four-lane freeway served by the existing interchange at Tefft Street. The local circulation system serving the project area includes Tefft Street, Carrillo Street, Branch Street, Wilson Street, Oak Glen Avenue and Thompson Avenue. With the exception of the four lanes on Tefft Street, all of these local roadways are two lane paved roads.

- ***Noise***

Ambient noise levels in the project area range from the low-30 to mid-60 dBA. Noise sources include traffic on Highway 101, automobile and truck traffic on local roadways such as Tefft Street and other less obtrusive non-urban noise sources.

- ***Climate***

The climate of San Luis Obispo County can be generally characterized as Mediterranean, with warm, dry summers and cooler, relatively damp winters. Inland areas are characterized by a wide range of temperature conditions. Maximum summertime temperatures can reach the high 90's whereas minimum winter temperatures range to the low 20's.

- ***Public Services and Utilities***

Law enforcement services for the Nipomo area are provided by the County of San Luis Obispo, Sheriff's Department from their Oceano Substation in Oceano. The Oceano Substation has an allocation of 23 patrol deputies and one commander. The Nipomo area is patrolled by vehicle. Fire protection and emergency response services for the Nipomo area are currently provided by the CalFire/San Luis Obispo County Fire Department. The Nipomo Station 20, located at 450 Pioneer Street in Nipomo (at the corner of Oak Glen Avenue and Pioneer Street near Tefft Street), would be the first station to participate in any fire or emergency response. This station is equipped with two wildland fire engines (used during the dry season), one Schedule A (on-road) fire engine and a CDF bulldozer. The Department also has a hazardous materials specialist.

The Nipomo area is situated within the service boundaries of the Southern California Gas Company for natural gas service and Pacific Gas and Electric Company for electrical service. Existing underground natural gas and electrical mains are located throughout the project area which provide utility services to developed land uses.

The project area is located within the Nipomo Community Services District which provides wastewater treatment, water supply, storm drainage, retention basins and lighting services in select portions of the Nipomo area.

- ***Cultural Resources***

Site surveys uncovered pieces of historical glass, white porcelain fragments, modern metal fragments and shell fragments including Pismo clam shell fragments. Also noted were three small fragments of banded Monterey chert. No prehistoric or significant historic cultural fragments were observed on the 1.4 acre project site, however, the adjacent Pacific Coast Railway right-of-way immediately west of the site is considered to be a significant cultural resource due to the fact that the project site is shown on historic maps as containing a depot for the Pacific Coast Railway. The Nipomo area contains more square meters of light density cultural deposits than any other area in southern San Luis Obispo County. Surveys conducted along the south, west and north sides of Nipomo Mesa have recorded many archaeological sites along the edge of the mesa but very few in the interior.

V. ENVIRONMENTAL EVALUATION

The following pages contain a checklist based on the format presented in the State CEQA Guidelines. The checklist was used to identify physical changes in the environment which may result from implementation of the proposed project. Impact assessments result in the determination of either "No Impact," "Less-Than-Significant Impact," "Potentially Significant Unless Mitigation Incorporated" or "Potentially Significant Impact."

The determination of "No Impact" applies where the impact is not applicable to the project under consideration. For example, if the project site is not located proximate to areas of volcanic activity then the item asking whether the project would result in or expose people to potential impacts involving volcanic hazards should be marked as "no impact."

The determination of "Less-Than-Significant Impact" applies where the impact would occur, but the magnitude of the impact is considered insignificant or negligible. For example, a development which would only slightly increase the amount of surface water runoff generated at a project site would be considered to have a less-than-significant impact on surface water runoff.

"Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." Incorporated mitigation measures are noted within the summary discussion immediately following the checklist item with a detailed discussion of the mitigation measure and how it reduces the impact to a less-than-significant level provided in Section VI. Impacts and Mitigation Measures of this Expanded Initial Study. This designation is appropriate for a Mitigated Negative Declaration, where potentially significant issues have been analyzed and mitigation measures have been recommended.

The determination of "Potentially Significant Impact" applies where the project impact has the potential to cause a significant environmental impact and there are not sufficient mitigations available to reduce these impacts to a less than significant level. If there are one or more items remaining as "Potentially Significant Impact," on the checklist, an EIR is required.

In many cases, potential project impacts are identified as "no impact" or "less-than-significant impact." The summary discussion following the checklist item provides the basis for this determination. Checklist items identified as "potentially significant unless mitigation incorporated" or "potentially significant impact" are discussed in greater detail in Section VI. Impacts and Mitigation Measures of this Expanded Initial Study.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
I.	LAND USE AND PLANNING. Would the proposal:				
	a) Conflict with general plan designation or zoning?	☐	☐	☐	☒
	b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	☐	☐	☐	☒
	c) Be incompatible with existing land use in the vicinity?	☐	☐	☒	☐
	d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands or impacts from incompatible land uses)?	☐	☐	☐	☒
	e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	☐	☐	☐	☒

Substantiation:

a. No Impact. The project site is currently designated Public Facilities by the South County Area Plan. As such, the proposed Miller Park project does not involve any required amendments to the South County Area Plan, Inland or any other Elements of the County General Plan and does not require any changes to existing zoning

b. No Impact. The proposed project would not conflict with any environmental plans or policies adopted by agencies with jurisdiction over the project area. Environmental plans which apply to the project area include the South County Area Plan, Inland or other Elements of the County General Plan or other long-range planning documents. Since the proposed project conforms to the current County General Plan, the proposed project does not conflict with the APCD Clean Air Plan. The proposed project will not conflict with the Commercial Retail, Public Facility and Office Professional land use designations applied to areas adjacent to the project site.

c. Less-Than-Significant Impact. The area in which the proposed project occurs is devoted to residential, commercial, office, agricultural or vacant open space uses. The proposed project may represent a short-term conflict with existing residential land uses east and south of the project site during construction activities. Impacts to adjacent residents due to temporary and limited construction activities are considered to be short-term and less than significant.

d. No Impact. The proposed project is not adjacent to or in the immediate vicinity of agricultural farmlands. Agricultural activities including grading, discing or spraying will not affect the project site. Since project construction activities will be confined to

the project site, they are not expected to affect agricultural-related traffic ingress/egress. As such, little in the way of impact to ongoing agricultural operations is expected due to the proposed project.

e. No Impact. The limited extent of the proposed project insures that the proposed project will not divide any established community.

Sources: South County Area Plan, Inland; County of San Luis Obispo, General Plan and APCD Clean Air Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
II.	POPULATION AND HOUSING. Would the proposal:				
	a) Cumulatively exceed official regional or local population projections?	☐	☐	☐	☒
	b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☐	☒
	c) Displace existing housing, especially affordable housing?	☐	☐	☐	☒

Substantiation:

a. No Impact. The proposed Miller Park project will not directly generate any new population or housing thereby not exceeding any regional or local growth projections.

b. No Impact. The proposed project involves the provision of additional recreation facilities within the Nipomo community. As such, the proposed project will not induce, either directly or indirectly, substantial population or housing growth in the area.

c. No Impact. The proposed project will not displace any existing housing.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
III.	GEOLOGICAL PROBLEMS. Would the proposal result in or expose people to potential impacts involving:				
	a) Fault rupture?	☐	☐	☒	☐
	b) Seismic ground shaking?	☐	☐	☒	☐
	c) Seismic ground failure, including liquefaction?	☐	☐	☒	☐
	d) Seiche, tsunami, or volcanic hazard?	☐	☐	☐	☒
	e) Landslides or mudflows?	☐	☐	☐	☒
	f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	☐	☐	☒	☐
	g) Subsidence of the land?	☐	☐	☒	☐
	h) Expansive soils?	☐	☐	☒	☐
	i) Unique geologic or physical features?	☐	☐	☐	☒

Substantiation:

a. Less-Than-Significant Impact. The project area lies outside any fault rupture zones established by the Alquist-Priolo Act of 1972. Should a major earthquake occur in the area, significant groundshaking is expected to occur. Since the project area is not located within the boundaries of a special studies zone and no active faults are known to pass through the area, surface fault rupture in the areas devoted to project facilities is considered unlikely. As such, impacts due to fault rupture in the project area are considered less than significant.

b. Less-Than-Significant Impact. The San Andreas Fault is considered the most likely source of a major earthquake in the region. Such an earthquake is expected to produce moderate to strong ground shaking at the Nipomo Mesa. The application of standard construction techniques contained in the most recent version of the Uniform Building Code will be applied to the proposed pole barn, gazebo and restroom structures and will reduce potential seismic hazards to less than significant levels.

c. Less-Than-Significant Impact. Due to the seismic and geologic conditions as currently known, the potential for secondary seismic hazards in the project area is considered to be low. The Nipomo Mesa and adjacent coastal areas are underlain by massive sand dune deposits whose thickness ranges from approximately 70 to 80 feet in the project area. Given these conditions, liquefaction potential is considered to be unlikely due to the grain size and density of natural soils and the anticipated

compaction of the surficial soils. Potential liquefaction hazards are, therefore, considered less than significant.

d. No Impact. Tsunamis and seiches do not pose hazards due to the inland location and lack of bodies of standing water in the project area. No areas of known volcanic activity are in proximity to the project area. No impacts regarding seiches, tsunamis or volcanic hazards have been identified.

e. No Impact. Terrain within undeveloped portions of the project site is nearly level with slope gradients between zero and two percent. The proposed project site occurs in an area of level terrain thereby eliminating the potential for landslides or mudflows.

f. Less-Than-Significant Impact. The Natural Resource Conservation Service Soil Survey identifies the potential erodibility of soil types in the project area to be high. However, the relatively level terrain in the project area reduces the potential occurrence of significant erosion and sedimentation to a less than significant level.

g. Less-Than-Significant Impact. The potential for seismically-induced settlement to impact project facilities is low due to the density of underlying earth materials and the anticipated compaction of near surface soils during construction of project facilities.

h. Less-Than-Significant Impact. The potential for expansive soils to impact project facilities is low due to the density of underlying earth materials and the anticipated compaction of surface soils during construction of project facilities.

i. No Impact. The project site does not contain any unique or geological features that would be impacted by development of the proposed project.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IV.	WATER. Would the proposal result in:				
	a) Changes in absorption rates, drainage patterns or the rate and amount of surface runoff?	☐	☐	☒	☐
	b) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	☐	☒	☐	☐
	c) Changes in the amount of surface water in any water body?	☐	☐	☒	☐
	d) Changes in currents or the course or direction of water movements?	☐	☐	☒	☐

e) Change in the quantity of ground waters, either through direct additions or withdrawls, or through interception of an aquifer by cuts or excavations or through substantial loss of ground water recharge?	☐	☐	☒	☐
f) Altered direction or rate of flow of groundwater?	☐	☐	☐	☒
g) Impacts to groundwater quality?	☐	☐	☐	☒
h) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	☐	☐	☐	☒

Substantiation:

a. Less-Than-Significant-Impact. The proposed Miller Park project will result in the addition of approximately 1,700 square feet or 0.04 acres of impervious surfaces within the proposed gazebo, restroom building and two handicapped parking stalls. These proposed park facilities will not result in a significant alteration of existing drainage patterns. Potential impacts related to changes in absorption rates, drainage patterns or the rate and amount of surface runoff are considered to be less than significant.

b. Potentially Significant Unless Mitigation Incorporated. The proposed project will result in short-term landform alteration during project construction which could potentially alter the composition of surface runoff. Project construction activities may temporarily alter the composition of surface runoff through the grading of ground surfaces which will total a maximum of 1.4 acres. This runoff could, without proper mitigation, contribute to the incremental degradation of downstream water quality particularly within the adjacent tributary to Nipomo Creek which runs along the northern and northwestern boundaries of the project site. Erosion of graded areas and discharge of sediment to downstream areas could occur if project grading operations occur during the wet season or if adequate detention or erosion control facilities are not constructed. These potentially significant impacts can be mitigated to an insignificant level through the provision of adequate erosion control measures at points of drainage discharge and directing of all project drainage during project construction to an on-site detention basin (see Section VI. Impacts and Mitigation Measures).

c. Less-Than-Significant Impact. A tributary to Nipomo Creek runs along the northern and northwestern boundaries of the project site. This tributary does not, during much of the year, contain any standing water body. Given its usually dry condition and the relatively level nature of the project site, coupled with the fact that project construction will not occur within 50 feet from the top of the bank of this tributary streambed (see Section VII. Biological Resources), changes in the amount of surface water in any water body downstream of the proposed project facilities are considered to be less than significant.

d. Less-Than-Significant Impact. Although the tributary to Nipomo Creek runs along the northern and northwestern boundaries of the project site, project construction will not occur within 50 feet from the top of the tributary streambed (see Section VII. Biological Resources). Given the relatively level nature of the project site, little in the way of site runoff is expected to enter this tributary streambed. Therefore, changes in the currents or the course or direction of water movement are considered to be less than significant.

e. Less-Than-Significant Impact. The proposed project will not involve the withdrawal of groundwater or grading that would intercept any groundwater aquifers, thereby not affecting existing groundwater supplies. Since the proposed project will not result in the addition of a significant amount of impervious surfaces (approximately 1,700 square feet), the potential loss of groundwater recharge is considered to be less than significant.

f. No Impact. The proposed project will not involve the direct withdrawal of groundwater and will not alter the direction or rate of flow of groundwater.

g. No Impact. The proposed project will not involve the direct withdrawal of groundwater and will not impact groundwater quality.

h. No Impact. The proposed project will not involve the direct withdrawal of groundwater which would otherwise be available for public use.

Sources: South County Area Plan, Inland

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
V.	AIR QUALITY. Would the proposal:				
	a) Violate any air quality standard or contribute to an existing or projected air quality violation?	☐	☒	☐	☐
	b) Expose sensitive receptors to pollutants?	☐	☐	☒	☐
	c) Alter air movement, moisture or temperature or cause any change in climate?	☐	☐	☐	☒
	d) Create objectionable odors?	☐	☐	☒	☐

Substantiation:

a. Potentially Significant Unless Mitigation Incorporated. Temporary air quality impacts will result from project construction activities. Fugitive dust will be generated during grading required for the proposed Miller Park project facilities. Peak periods of

grading will result in the greatest levels of air pollution emissions. A relatively small area (approximately 1.4 acres) will be disturbed by project development. The air pollutant emissions generated during these site preparation activities will fall well below the SCAQMD significance thresholds. As a rule, any project that exceeds 4.0 acres of continuously graded area will exceed the San Luis Obispo Air Pollution Control District Threshold for the generation of particulate matter. These potentially significant impacts can be mitigated to an insignificant level through a variety of dust control measures involving watering of graded surfaces and dirt stockpiles, planting and/or stabilization of disturbed soil areas, covering of hauling trucks and street sweeping at the end of each construction day (see Section VI. Impacts and Mitigation Measures.)

Air pollutants will also be generated by the operation of construction equipment and by construction personnel traveling to and from the project site. These remaining elements of project construction will generate significantly lower emissions than grading which will result in less than significant air quality impacts. Since traffic in the project area will not be impacted by the proposed project, the potential for local air quality impacts (i.e. air pollutant concentrations near intersections) will be less than significant.

Global Climate Change/Greenhouse Gas Emissions

The California Air Resources Board (CARB) is the lead agency for implementing AB 32 the California Global Warming Solutions Act of 2006. In October 2008, CARB published a Proposed Scoping Plan, in coordination with the Climate Action Team (CAT), to establish a comprehensive set of actions designed to reduce overall greenhouse gas emissions in California. The measures in the Scoping Plan approved by CARB will be developed over the next two years and will be in place by 2020. Significant progress can be made toward the 2020 goal which includes improving existing technologies and the efficiency of energy use. Other solutions involve improving the State's infrastructure, transitioning to cleaner and more secure sources of energy and adopting 21st century land use planning and development practices.

To meet the 1990 target established by CARB 32, CARB recommends a de minimis (minimal importance) emission threshold of 0.1 million metric tons annually (100,000 MT per year) of carbon dioxide per transportation source category. Source categories whose total aggregated emissions are below this level are not proposed for emission reduction requirements in the Scoping Plan. In addition to the Proposed Scoping Plan, CARB released the Preliminary Draft Staff Proposal on October 24, 2008 with the objective of developing interim significant thresholds for commercial and residential projects. CARB has proposed a threshold of 7,000 annual MT for industrial operational sources. However, the Staff Proposal has not yet defined or developed thresholds applicable for residential and commercial sources or other proposed land uses such as parks.

Short-term emissions resulting from project construction will generate emissions which may contribute to global climate change. The primary source of greenhouse gas emissions (primarily carbon dioxide) generated by construction activities is from the use of diesel-powered construction equipment and other combustion sources (i.e., generators, worker vehicles, materials delivery, etc.). It is estimated that project construction activities will generate a total of 1.97 metric tons of greenhouse gases over the entire project construction period of approximately three months. Of this total, a maximum of 0.92 metric tons of carbon dioxide will be generated during grading, 0.56 metric tons during building construction and 0.49 metric tons for paving.

The primary source of long-term greenhouse gas emissions from the proposed project will be generated by motor vehicles. Motor vehicles emissions will be generated by the 52.66 vehicle trips per day associated with the proposed project. Based upon a "worst-case" average trip length of 5.0 miles, a total of 263.3 vehicle miles per day will be generated. (This total does not reflect the reduction of vehicle miles due to the provision of a local park in an area where current residents must drive farther to find park facilities). This worst-case total of vehicle miles travelled is estimated to generate 20.6 metric tons per year.

Both the short and long-term generation of greenhouse gas emissions associated with the proposed project fall well below the preliminary thresholds developed by the California Air Resources Board. The emissions generated by this project will contribute a miniscule amount to overall global climate change. By way of comparison, based upon global data from the United Nations, the proposed project would contribute approximately 0.000000056% to the GHG burden for the planet. Even when compared to California's GHG emissions, the contribution from the proposed project would be miniscule, almost 0.0000004% of 2004 California emissions. Therefore, impacts associated with the generation of greenhouse gas emissions from the proposed project are considered to be less than significant.

b. Less-Than-Significant Impact. Given the lack of significant short- or long-term air pollutant generation associated with the proposed project, the potential for exposure of sensitive receptors to air pollutants is considered to be less than significant.

c. No Impact. The proposed project will not alter air movement, moisture, temperature or cause a change in climate.

d. Less-Than-Significant Impact. The proposed project will not create objectionable odors that would significantly impact adjacent properties. Any localized odors associated with project construction and ongoing project operations will be confined to the project site.

Sources: San Luis Obispo County Air Quality Management District, Clean Air Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VI.	TRANSPORTATION/CIRCULATION. Would the proposal result in:				
	a) Increased vehicle trips or traffic congestion?	☐	☐	☒	☐
	b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
	c) Inadequate emergency access or access to nearby uses?	☐	☐	☐	☒
	d) Insufficient parking capacity on-site or off-site?	☐	☐	☒	☐
	e) Hazards or barriers for pedestrians or bicyclists?	☐	☒	☐	☐
	f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒
	g) Rail, waterborne or air traffic impacts?	☐	☐	☐	☒

Substantiation:

a. Less-Than-Significant Impact. The proposed Miller Park project will generate a minor amount of traffic during construction activities. The traffic generated by project construction activities will involve automobile trips associated with worker commutes, haul trucks and construction equipment. It is estimated that project construction activities will involve the following equipment and vehicles: a small grader/backhoe/tractor, a haul truck and four employee vehicles which will generate an estimated 12 vehicle trips per day. In addition, equipment/material deliveries are estimated to generate an additional six deliveries or twelve vehicle trips per day. This level of construction activity is anticipated to generate a total of 24 vehicle trips per day and a maximum of 12 peak hour vehicle trips. This construction-related traffic generation will not significantly impact existing daily or peak hour traffic levels on Tefft Street or the Highway 101/Tefft Street interchange. This potential traffic and circulation impact with project construction activities is considered to be short-term and less that significant.

Long-term operation and maintenance of the proposed park facilities will generate a total of 52.66 daily vehicle trips. Based upon Institute of Transportation Engineers factors for "City Parks," smaller recreation facilities will generate 16.0 daily vehicle trips per picnic site (four sites or 23.5 vehicle trips) and 4.83 employee/maintenance trips per acre per day (6.76 vehicle trips). Of this total, approximately five vehicle trips will be peak hour trips (3.60 peak hour trips per acre). These additional peak hour vehicle trips (one vehicle every twelve minutes) will not significantly impact traffic and circulation conditions or local roadways.

On occasion, the Miller Park facilities will be utilized for a farmer's market or other outdoor events or activities. These activities will generate higher levels of vehicular traffic than the typical levels noted above. However, these activities are expected to occur on weekends or in the evenings which will not conflict with or add to morning (7AM to 9AM) or evening (4PM to 6PM) weekday peak hour traffic levels

b. Potentially Significant Unless Mitigation Incorporated. Project construction activities will be largely confined to the project site. However, the temporary diversion of automobile traffic along Tefft Street at the project entrance may occasionally be necessary during project construction. This potential impact, without proper traffic control, may represent a hazard to existing automobile traffic in adjacent areas particularly along Tefft Street. This potentially significant impact can be mitigated to an insignificant level through the provision of adequate signage, barriers and/or, if necessary, flagmen in order to insure the safe diversion of traffic (see Section VI. Impacts and Mitigation Measures).

c. No Impact. Project construction activities will not block or impede access to adjacent properties. No impacts to emergency access or access to adjacent uses are anticipated.

d. Less-Than-Significant Impact. The proposed project will not result in the loss of any available parking on roadways since project construction activities will be largely confined within the project site. The proposed project includes provision of a total of 17 parking spaces which is expected to handle demands for parking generated by long-term operations of the proposed park facilities.

Additional vehicular traffic will be generated when the Miller Park facilities are utilized for farmer's market or other outdoor event or activity. Such occasional activities may require additional parking beyond the 17 parking stalls to be provided any may result in the utilization of available parking in areas adjacent to the project site such as along Tefft Street where an additional 18 public parking stalls are provided or along other local roadways. Given the occasional nature of these activities, impacts to existing parking are considered to be less than significant.

e. Potentially Significant Unless Mitigation Incorporated. The proposed project may result in the temporary diversion of pedestrians and bicyclists on Tefft Street at the project entrance during construction. This potentially significant impact can be mitigated to an insignificant level through the provision of adequate signage, barriers and/or, if necessary, flagmen in order to insure a safe diversion of pedestrians and bicyclists (see Section VI. Impacts and Mitigation Measures).

f. No Impact. The proposed project will not conflict with any adopted alternative transportation polices.

g. No Impact. The proposed project will not impact any existing rail, waterborne or air traffic operations.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan and the Institute of Transportation Engineers Trip Generation Factors (8th Edition)

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VII.	BIOLOGICAL RESOURCES. Would the proposal result in impacts to:				
	a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	☐	☒	☐	☐
	b) Locally designated species (e.g., heritage trees)?	☐	☐	☐	☒
	c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	☐	☐	☐	☒
	d) Wetland habitat (e.g., marsh, riparian and vernal pool)?	☐	☒	☐	☐
	e) Wildlife dispersal or migration corridors?	☐	☒	☐	☐
	f) Adopted conservation plans and policies (e.g., Resource Management Plan)?	☐	☐	☐	☒

The following discussion of biological resource impacts is based upon the "Biological Resources Survey Report, Proposed Miller Park, Nipomo Community Services District, Nipomo, California" dated June, 2009 and prepared by Padre Associates, Inc. This assessment is included in its entirety as Technical Appendix A of this Expanded Initial Study.

Substantiation:

a. Potentially Significant Unless Mitigation Incorporated. The 1.4 acre project site primarily contains non-native grasses and ruderal (weedy) plant species. The project site and surrounding area contains four habitat types: coyote brush scrub, riparian scrub, ruderal (disturbed) and developed habitats. A total of 34 vascular plant species were identified within the area during the field surveys. Plants observed consisted of ten (29 percent) native taxa and 24 (71 percent) non-native naturalized taxa. No special-status plant species were observed within the project area during the May, 2009 site surveys. Given the existing vegetation and its disturbed nature, the project site has a low probability of any sensitive plant species being found on the project site.

A total of 16 bird species and at least eight mammalian species were observed during field surveys, all of which were expected to occur within the habitat types found on the project site. Coyote brush and riparian areas within and adjacent to the project provide nesting and foraging habitat for a variety of smaller bird species as well as foraging

habitat for raptors. Birds observed or expected to occur in association with coyote brush and mixed riparian habitat include but are not limited to the following common bird species: Scrub jay, Golden crowned sparrow, Spotted towhee, California towhee, Song sparrow, Bushtit, Bewick's wren, House finch, California thrasher, Red shouldered hawk, Pacific slope flycatcher, Lesser goldfinch, and Red-tailed hawk. Birds expected to occur within ruderal/disturbed areas include Brewer's blackbird, European starling and the Northern mockingbird.

No active bird nests were identified within the project site or adjacent areas during the field survey; however, the Nipomo Creek tributary area may provide suitable nesting habitat for a variety of bird species.

Coyote brush habitat provides shade and shelter for several reptilian species. Western fence lizard, a common reptile species, was the single reptile species observed during the field survey. Other common reptiles expected to occur within this habitat include, but are not limited to, common garter snake, Pacific gopher snake and western rattlesnake.

Mammalian species observed and/or expected to occur within the habitat include the following common species: desert cottontail, black-tailed jackrabbit, long-tailed weasel, coyote, black-tailed deer, California ground squirrel, western gray squirrel, and other small rodents.

Since the Nipomo Creek tributary adjacent to the project site was dry at the time of the field survey (May, 2009), no fish or amphibian species were observed. However, the adjacent Nipomo Creek tributary area provides suitable habitat conditions for California red-legged frog (CRLF), a Federally listed threatened species and a California species of special concern, southwestern pond turtle, a Federally listed species of special concern and a California species of special concern, and western spadefoot during periods of sufficient flow (i.e., seasonal rainfall).

Special-status wildlife species associated with coastal and/or marine habitats located west of the project site (e.g., Brown pelican, Western snowy plover, Tidewater goby and California least tern) were not observed during the field surveys and are not expected to occur within the site due to the lack of suitable habitat. In addition, non-coastal species such as California condor and yellow billed cuckoo would not occur within the area due to lack of suitable habitat (e.g., mountainous savannahs, well-developed riparian forest).

Four sensitive plant communities are known to occur within the region including central dune scrub, central foredunes, coastal and valley freshwater marsh and southern vernal pool. None of these sensitive habitats occur within the area of the project site. Although components of native perennial grassland (i.e., purple needlegrass) exist within the project site, the individual plants are scattered (non-

contiguous) from past disturbance and do not represent an intact sensitive plant community.

Plant communities existing within and along the perimeter of the project site have been previously disturbed by past land uses (e.g., clearing and grading, long-term dust impacts, etc.). Although portions may be intact, the habitat value of these plant communities has been substantially reduced due to fragmentation, introduction of non-native vegetation and ongoing disturbance. However, the proposed project includes the installation of multiple lawn areas, ornamental plantings, decomposed granite walkways, a creek sidewalk/bike trail, fencing, pole barn, gazebo, restroom, parking lot and a cul-de-sac turnaround. Ultimate construction of these facilities/structures would result in the permanent loss of a small portion of coyote brush scrub habitat (<0.5-acre).

Loss of non-native, ruderal habitat areas is not considered a significant impact to wildlife because it supports a relatively low density and diversity of wildlife species. Although coyote brush scrub provides moderate foraging and nesting habitat for wildlife species, it is not considered a sensitive plant community. Therefore, the permanent loss of coyote brush scrub associated with the proposed project is not considered a significant impact.

Noise, dust and vehicle operation generated by construction activities may disrupt foraging activities of some wildlife within the boundaries of the project site and immediate vicinity. Although highly mobile wildlife species (e.g., birds) would be expected to avoid the area undergoing construction, these activities may result in mortality of less mobile species, particularly, fossorial (ground-dwelling) species. Overall, due to the current level of disturbance within the project site, the limited number of wildlife species occurring within the area and the availability of suitable habitat in the region, impacts to general wildlife are expected to be less than significant. However, the proposed project has the potential to result in temporary impacts to nesting birds which are protected under the Migratory Bird Treaty Act (MBTA) and the Coast horned lizard. These potentially significant impacts can be mitigated to an insignificant level through the avoidance of construction during the bird nesting season or through conducting pre-construction surveys during the nesting season as well as conducting a worker orientation program to minimize impacts to sensitive species (see Section VI. Impacts and Mitigation Measures).

The proposed project may also indirectly impact the riparian community and in-stream habitat of the adjacent Nipomo Creek tributary which runs along the northern and northwestern boundaries of the project site (see Item VII.d. below).

b. No Impact. The 1.4 acre project site does not contain any locally designated species such as heritage trees. The proposed project will not, therefore, impact any locally designated species.

c. *No Impact.* The project site primarily consists of non-native grasses and ruderal (weedy) plant species. As previously noted, the four sensitive plant communities known to occur within the region, coastal dune scrub, central foredunes, coastal and valley freshwater marsh and southern vernal pool, do not occur within the project site boundaries. Given the nature and extent of existing on-site vegetation and the relatively small area disturbed by project construction, the proposed project will not significantly impact any locally designated natural plant communities such as oak forests or coastal habitats.

d. *Potentially Significant Unless Mitigation Incorporated.* The proposed project may indirectly impact the riparian scrub community and in-stream habitat of the adjacent Nipomo Creek tributary which runs along the northern and northwestern boundary of the project site. Short-term construction activities have the potential to result in secondary impacts (i.e., habitat disturbance, sedimentation impacts, etc.) to the adjacent Nipomo Creek tributary riparian corridor and associated special-status species, such as the Coast horned lizard, nesting birds, the Califonia red-legged frog (CRLF) and Southwestern pond turtle.

Long-term impacts of the proposed project have the potential to result in future degradation of the riparian scrub habitat in the adjacent Nipomo Creek tributary. While the proposed project will not directly impact the existing creek channel, the proposed pedestrian/bike trail would provide direct public access to the creek corridor which may result in secondary impacts (i.e., wildlife harassment, habitat disturbance, etc.) to sensitive habitat areas. Further, construction of the proposed cul-de-sac turnaround has the potential to result in direct, permanent impacts to the existing riparian scrub habitat of Nipomo Creek and long-term secondary impacts to in-stream water quality due to storm water runoff. Lastly, proposed park landscaping has the potential to result in the introduction of non-native, invasive plant species to the riparian corridor of Nipomo Creek and surrounding areas (e.g., periwinkle, German ivy, etc.).

Therefore, short-term construction activities and long-term future public use of proposed park facilities (i.e., increased human activity) have the potential to result in both short-term and long term impacts to riparian scrub and in-stream habitat of the adjacent Nipomo Creek tributary and associated special-status species that occur in this area.

These potentially significant impacts can be mitigated to an insignificant level through conducting pre-construction surveys; establishment of equipment staging and crew parking areas; provision of exclusionary fencing; washing, refueling and maintaining construction equipment in designated areas; inspection of construction equipment; litter control; conducting biological monitoring and a worker orientation program; provision of a 50-foot setback from the Nipomo Creek tributary channel; provision of

landscape plans that emphasize the use of native, non-invasive plants; provision of signed, exclusionary fencing; shielding of nighttime lighting and the preparation or erosion control, stormwater prevention, spill contingency and stormwater runoff water quality protection plans (see Section VI. Impacts and Mitigation Measures).

e. Potentially Significant Unless Mitigation Incorporated. Wildlife migration corridors are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Migration corridors may be local, such as those between foraging and nesting/denning areas, or they may be regional in nature. "Habitat linkages" are migration corridors that contain contiguous strips of native vegetation between source and receiver areas. Habitat linkages provide cover and forage sufficient for temporary inhabitation by a variety of ground-dwelling animal species. Wildlife migration corridors are essential to the regional fitness of an area as they provide avenues of genetic exchange and allow animals to access alternative territories as fluctuating dispersal pressures dictate.

An important wildlife migration corridor is present within the Nipomo Creek tributary channel which runs along the northern and northwestern boundaries of the proposed project. The wildlife habitat value within the creek corridor is considered moderate due to its importance in maintaining continuity with riparian habitats upstream and downstream of the project site. As noted above in Item VII.d., construction activities and public use of the proposed park facilities have the potential to result in both short-term and long-term impacts to the riparian scrub and in-stream habitat of the adjacent Nipomo Creek tributary, an important wildlife migration corridor. These potentially significant impacts can be mitigated to an insignificant level through the provision of a 50-foot setback from the Nipomo Creek tributary channel; provision of landscape plans that emphasize the use of native, non-invasive plant species; provision of signed exclusionary fencing; shielding of nighttime lighting and the preparation of erosion control, stormwater prevention, spill contingency and stormwater runoff water quality protection plans (see Section VI. Impacts and Mitigation Measures).

f. No Impact. The proposed project does not conflict with any adopted conservation or wildlife management plans.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VIII.	ENERGY AND MINERAL RESOURCES. Would the proposal:				
	a) Conflict with adopted energy conservation plans?	☐	☐	☐	☒
	b) Use non-renewable resources in a wasteful and inefficient manner?	☐	☐	☒	☐

c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	☐	☐	☐	☒

Substantiation:

a. No Impact. The proposed project will conform with all applicable State and local energy conservation requirements enforced by the County of San Luis Obispo and the Nipomo Community Services District. No impacts regarding any conflict with adopted energy conservation programs have been identified.

b. Less-Than-Significant Impact. Project construction activities will require the use of nonrenewable liquid fuels including diesel and gasoline to operate construction equipment. Fuel consumption will be minimized wherever possible during construction operations. Operation of project facilities will consume relatively small amounts of electricity. The proposed project is not anticipated to result in the use of non-renewable resources in a wasteful or inefficient manner. Impacts upon non-renewable resources are considered less than significant.

c. No Impact. There are no known mineral resources within the project area. The proposed project should have no impact regarding availability of a known mineral resource that would be of future value to the region and the residents of the State.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IX.	HAZARDS. Would the proposal involve:				
	a) A risk of accidental explosion or release of hazardous substances (including but not limited to: oil, pesticides, chemicals or radiation?	☐	☐	☐	☒
	b) Possible interference with an emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
	c) The creation of any health hazard or potential health hazard?	☐	☐	☒	☐
	d) Exposure of people to existing sources of potential health hazards?	☐	☐	☒	☐
	e) Increased fire hazard in area with flammable brush, grass, or trees?	☐	☐	☒	☐

Substantiation:

a. No Impact. The project site is currently vacant and does not contain any hazardous substances such as oil, pesticides, chemicals or radiation. Given the anticipated public

use of the proposed park facilities, project construction, operation and maintenance will not involve any materials which will generate the risk of accidental explosion or the release of hazardous substances.

b. No Impact. Since project construction activities will be confined to the project site, the proposed project will not interfere with any emergency response or evacuation plan.

c. Less-Than-Significant Impact. Current safety regulations governing the construction and operation of the proposed park facilities will reduce the potential for creation of health hazards to a level of insignificance.

d. Less-Than-Significant Impact. The construction and operation of the proposed project is not expected to expose people to existing sources of potential health hazards. Project construction and operations are not expected to involve the release of any significant amounts of hazardous materials including oils, pesticides or chemicals thereby reducing the potential for exposure to health hazards to a less than significant level.

e. Less-Than-Significant Impact. The proposed project will occur in an area of relatively low fire hazard (i.e. commercial, residential uses, agricultural and vacant land, etc.). Safety regulations governing project construction and operations in combination with these low fire hazard conditions reduces potential fire hazards to a less than significant level.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
X.	NOISE. Would the proposal result in:				
	a) Increases in existing noise levels?	☐	☐	☒	☐
	b) Exposure of people to severe noise levels?	☐	☐	☒	☐

Substantiation:

a. Less-Than-Significant Impact. The primary noise source associated with the proposed Miller Park project which may impact adjacent land uses will be construction noise. Noise resulting from the long-term operation of project facilities is expected to be negligible. Construction noise represents a short-term impact upon ambient noise levels. Noise generating construction equipment includes trucks, graders and backhoes. Grading and trucking activities typically represent the highest potential sources of construction noise. Local control of construction hours to daylight hours provides the most effective method of controlling construction noise. The

County of San Luis Obispo restricts construction activities to the hours of 7 a.m. to 7 p.m. on weekdays and 9 a.m. to 5 p.m. on Saturday. Construction is not allowed on Sundays or holidays. Compliance with these policies reduces potential short-term construction noise impacts to a less than significant level.

The nearest sensitive noise receptors in the area is an existing residence on Tefft Street approximately 200 feet east of the project site. There are also two commercial structures between the Miller Park site and the nearest residence. Maximum noise levels from construction equipment required for the project to the nearest residence would reach as high as 68 dBA with a projected peak level range of 42 to 68 dBA. These maximum noise levels would be intermittent and represent a "worst case" estimate of construction noise. Average noise levels are not expected to exceed 60 CNEL at these off-site locations. The County of San Luis Obispo Noise Ordinance contains noise standards of 60 CNEL for exterior land uses and an interior noise standard of 45 CNEL. Construction of the proposed project is not anticipated to create noise levels that exceed these standards.

b. *Less-Than-Significant Impact.* Outdoor activities within the proposed project may include a farmer's market or other outdoor events or activities which may generate additional noise. At a distance of 100 feet from the on-site noise source, it would require approximately 31 persons shouting at a noise level perceived as twice a typical conversational level constantly for an entire hour to approach the County's daytime Leq Noise Ordinance Standard. Even if there were 124 persons, each of them would have to shout at this level constantly for 15 minutes in order to approach this standard. It is unlikely that most people could keep up this level of effort. Therefore, it is unlikely that any outdoor activity associated with the proposed project would result in noise levels exceeding the County's Noise Ordinance limits.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan and Noise Ordinance

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XI.	PUBLIC SERVICES. Would the proposal have an effect upon or result in a need for new or altered government services in any of the following areas:				
	a) Fire protection?	☐	☐	☒	☐
	b) Police Protection?	☐	☐	☒	☐
	c) Schools?	☐	☐	☐	☒
	d) Maintenance of public facilities, including roads?	☐	☐	☒	☐

e) Other governmental services?	☐	☐	☐	☒

Substantiation:

a. Less-Than-Significant Impact. The construction and operation of the Miller Park project is not expected to significantly impact fire protection services currently provided by the California Department of Forestry/San Luis Obispo County Fire Department.

b. Less-Than-Significant Impact. The proposed project is not expected to significantly impact police protection services currently provided by the County of San Luis Obispo, Sheriff's Department.

c. No Impact. Since the proposed project will not directly generate any school age children, no impacts to schools are anticipated.

d. Less-Than-Significant Impact. The proposed project will have no impact upon local roadways since project construction activities will be confined to the project site. Since the proposed project will be maintained by the Nipomo Community Services District, potential impacts upon the maintenance of public facilities are considered to be less than significant.

e. No Impact. The construction and operation of the proposed project will have no effect on any other governmental services.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XII.	UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies or substantial alterations to the following utilities:				
	a) Power or natural gas?	☐	☐	☒	☐
	b) Communications systems?	☐	☐	☐	☒
	c) Local or regional water treatment or distribution facilities?	☐	☐	☒	☐
	d) Sewer or septic tanks?	☐	☐	☒	☐
	e) Storm water drainage?	☐	☒	☐	☐
	f) Solid waste disposal?	☐	☐	☒	☐
	g) Local or regional water supplies?	☐	☒	☐	☐

Substantiation:

a. Less-Than-Significant Impact. While construction and operation of the proposed project will require the use of electrical power, any additional energy demand is not anticipated to be significant and falls within the anticipated service parameters of the involved service providers.

b. No Impact. The proposed project will not involve the expansion of communications systems.

c. Less-Than-Significant Impact. The proposed project will require connection to existing water mains in Tefft Street, but will have no other impact upon local or regional water treatment or distribution facilities.

d. Less-Than-Significant Impact. The proposed project will require connection to the existing sewer mains in Tefft Street, but will generate very low amounts of wastewater due to the use of the on-site restrooms. This level of wastewater generation is well within the service and treatment ability of the Nipomo Community Services District.

e. Potentially Significant Unless Mitigation Incorporated. The proposed project will result in short-term landform alteration during project construction which could potentially alter the composition of surface runoff. Project construction activities may temporarily alter the composition of surface runoff through the grading of ground surfaces which will total a maximum of 1.4 acres. This runoff could, without proper mitigation, contribute to the incremental degradation of downstream water quality, particularly within the adjacent tributary to Nipomo Creek which runs along the northern and northwestern boundaries of the project site. Erosion of graded areas and discharge of sediment to downstream areas will occur if project grading operations occur during the wet season or if adequate detention or erosion control facilities are not constructed. These potentially significant impacts can be mitigated to an insignificant level through the provision of adequate erosion control measures at points of drainage discharge and directing of all project drainage during project construction to an on-site detention basin (see Section VI. Impacts and Mitigation Measures).

f. Less-Than-Significant Impact. The proposed project will generate solid waste during project construction. This solid waste generation is considered to be a short-term impact. Given the limited extent of project construction, these solid waste impacts are considered to be less than significant. Long-term operations of the proposed park facilities will generate solid waste which will be taken by the local solid waste hauler. Impacts of this additional solid waste generation are considered to be less than significant.

g. Potentially Significant Unless Mitigation Incorporated. The proposed project will generate demand for water for irrigation and drinking purposes. Given the proximity

of proposed park facilities to irrigated areas throughout the proposed park, County health regulations would prohibit the use of reclaimed water for irrigation purposes. Irrigation of a "worst-case" total of one acre of lawn area and landscaping is extended to be approximately two acre feet or approximately 1,800 gallons per day. However, this potentially significant impact can be mitigated to an insignificant level through the implementation of various water conservation techniques such as the use of low-flow toilets, efficient irrigation systems and other water conservation methods relative to landscape irrigation (see Section VI. Impacts and Mitigation Measures).

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIII.	AESTHETICS. Would the proposal:				
	a) Affect a scenic vista or scenic highway?	☐	☐	☒	☐
	b) Have a demonstrable negative aesthetic effect?	☐	☐	☒	☐
	c) Create light or glare?	☐	☒	☐	☐

Substantiation:

a. Less-Than-Significant-Impact. Construction activities associated with the proposed Miller Park project will result in short-term visual impact to views from adjacent roadways and land uses. None of the roadways visually impacted by project construction activities (Tefft Street or Carrillo Street) have been designated as scenic highways. Project construction activities are considered to be short-term. Any impacts to scenic vistas due to the proposed project are, therefore considered to be less than significant.

b. Less-Than-Significant Impact. Construction activities associated with the proposed project will have a short-term visual impact upon adjacent roadways and land uses. Given the relatively small amount of area disturbed by project construction activities, these aesthetic impacts are considered to be short-term and less than significant.

c. Potentially Significant Unless Mitigation Incorporated. The proposed project will include the provision of lighting within the gazebo, pole barn and within the interior and exterior of the restroom building. This lighting may potentially result in the generation of additional light and glare which may impact surrounding areas. This potential impact can be mitigated to an insignificant level through the provision of lighting that is shielded, non-reflective and directed downward (see Section VI. Impacts and Mitigation Measures).

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIV.	CULTURAL RESOURCES. Would the proposal:				
	a) Disturb paleontological resources?	☐	☒	☐	☐
	b) Disturb archaeological resources?	☐	☒	☐	☐
	c) Affect historical resources?	☐	☒	☐	☐
	d) Have the potential to cause a physical change which would affect unique ethnic cultural values?	☐	☐	☐	☒
	e) Restrict existing religious or sacred uses within the potential impact area?	☐	☐	☐	☒

The following discussion of cultural resources impacts is based on the "Results of Archival Records Search and Phase One Archeological Surface Survey for the Miller Park Project, Nipomo, San Luis Obispo County, CA" dated June 7, 2009 and prepared by Gibson's Archeological Consulting. This assessment is included in its entirety as Technical Appendix B of this Expanded Initial Study.

Substantiation:

a. Potentially Significant Unless Mitigation Incorporated. Given the amount of prior disturbance on the project site, little in the way of significant paleontological resources are expected to be found on the project site. No paleontological resources were encountered during site surveys. However, the potential exists that paleontological resources may be unearthed during project grading. This potential impact to paleontological resources can be mitigated to a level of insignificance through requiring a qualified paleontologist to examine any unearthed paleontological resources (see Section VI. Impacts and Mitigation Measures).

b. Potentially Significant Unless Mitigation Incorporated. Walkover surveys of the project site resulted in discovery of shell fragments consisting of six Pismo clam shell fragments including one nearly complete half shell and hinge. These shell fragments were not well weathered and were not the size or maturity of shells typically found within prehistoric sites. Also noted were three small fragments of banded Monterey chert (silica-based stone used to manufacture stone tools) although the quality and shape of fragments were likely from mechanically broken gravels. No significant prehistoric cultural materials were observed during site surveys. However, the potential exists that archaeological resources may be unearthed during project grading. This potential impact to archaeological resources can be mitigated to a level of

insignificance through requiring a qualified archaeologist to examine any unearthed archeological resources (see Section VI. Impacts and Mitigation Measures).

c. *Potentially Significant Unless Mitigation Incorporated.* Walkover surveys of the project site resulted in the discovery of nine pieces of historical glass, including iridescent bottle fragments and one large glass fragment from the lip of a root beer colored bottle. White porcelain fragments and modern metal fragments including modern metal can pull-tabs were also found on-site. None of these materials are considered to be a significant historic resource.

The adjacent Pacific Coast Railway right-of-way which is currently immediately west of the project site is considered to represent a significant historic resource. The Nipomo Community Services District will obtain the right-of-way which will then be utilized for parking for the proposed park. Historic maps indicate that the right-of-way and adjacent areas contained a depot for the Pacific Coast Railway which has been recorded as a historic site. No evidence of any above ground structures or other facilities associated with the depot have been identified in any prior surveys or during the recent site walkover survey. The tracks and ties were removed in or about 1942. However, it is possible that subsurface evidence of the original depot is present. As such, the potential exists that historic resources associated with the Pacific Coast Railway may be unearthed during project grading. Potentially significant impacts to historic resources associated with the Pacific Coast Railway can be mitigated to an insignificant level through requiring a qualified historic archeologist to prepare a Historic Resources Monitoring Program which includes a preconstruction workshop and monitoring of initial project grading as well as retention of the existing Pacific Coast Railway plaque and crossing sign and minimizing surface disturbance and grading in the depot area (see Section VI. Impacts and Mitigation Measures).

d. *No Impact.* The proposed project will not cause any physical changes which could affect unique ethnic cultural values.

e. *No Impact.* The proposed project will not restrict any existing religious or sacred uses.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XV.	RECREATION. Would the proposal:				
	a) Increase the demand for neighborhood or regional parks or other recreational facilities?	☐	☐	☐	☒
	b) Affect existing recreational opportunities?	☐	☐	☐	☒

Substantiation:

a. No Impact. The proposed Miller Park project will not directly generate any new population or housing thereby not creating any demand for parks or other recreational facilities. The proposed project will provide additional recreational opportunities for residents in areas east of Highway 101 and the Tefft Street interchanges thereby responding to and reducing the demand for neighborhood parks.

b. No Impact. The proposed project will not directly generate any new population or housing thereby not impacting any existing recreational opportunities. The proposed project will provide additional recreational opportunities for residents in areas east of Highway 101 and the Tefft Street interchanges thereby responding to and reducing the demand for neighborhood parks

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVI.	MANDATORY FINDINGS OF SIGNIFICANCE.				
	a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
	b) Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)	☐	☐	☒	☐
	c) Does the project have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?	☐	☐	☐	☒

Substantiation:

a. Less-Than-Significant Impact. Provided that all recommended mitigation measures are implemented, the proposed project would not have a substantial impact on biological or cultural resources.

b. Less-Than-Significant Impact. The proposed project involves the provision of additional recreation facilities within the Nipomo community. The proposed project does not involve the provision of additional housing or other urban uses and is, therefore, considered to have less than significant impact regarding potential to induce substantial growth in the area either directly or indirectly.

c. No Impact. The proposed project is not expected to cause substantial adverse effects on human beings either directly or indirectly.

VI. IMPACTS AND MITIGATION MEASURES

The following impacts were identified within Section V. Environmental Evaluation of this Expanded Initial Study as a "Potentially Significant Impact Unless Mitigation Incorporated." These identified impacts are followed by mitigation measures which, if implemented, will reduce these potential impacts to a less than significant level.

Water (Checklist Item IV.b.)

The proposed project will result in short-term landform alteration during project construction and the creation of additional impervious surfaces which could potentially alter the composition of surface runoff. This may degrade downstream water quality within the adjacent Nipomo Creek tributary.

Mitigation Measure

1. Prior to the issuance of grading permits, a detailed Drainage and Erosion Control Plan shall be submitted to the County of San Luis Obispo for review and approval. These plans shall maintain the existing site drainage patterns to the greatest extent feasible with drainage flows during project construction directed to an on-site detention basin. The Drainage and Erosion Control Plan shall include, but may not be limited to, the following elements:

a. In order to avoid erosion at drainage discharge locations during project construction, erosion control devices such as temporary berms, culverts, sandbagging or detention basins will be provided where necessary.

b. Drainage from areas disturbed by project grading shall be directed to an on-site detention basin.

Air Quality (Checklist Item V.a.)

Fugitive dust will be generated during grading required for the proposed project.

Mitigation Measures

2. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed water shall be used for dust control and other construction-related purposes during project construction.

3. All dirt stockpile areas shall be sprayed daily as needed.

4. Exposed ground areas that are planned to be reworked at dates greater than one month shall be sown with a fast-germinating native grass seed and watered until vegetation is established.

5. 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.

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

7. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.

8. Streets shall be swept 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 possible.

Traffic/Circulation (Checklist Items VI.b. and IV.e.)

The proposed project may result in the temporary diversion of automobile traffic, pedestrians or bicyclists on Tefft Street at the project entrance during grading and construction.

Mitigation Measure

9. All project construction sites accessing onto or occurring adjacent to public roadways shall provide adequate signage, barriers and, if necessary, flagmen in order to insure safe diversion of vehicular traffic, bicyclists and/or pedestrians. These measures shall also insure continued access from adjacent properties to local roadways.

Biological Resources (Checklist Items VII.a., VIId. and VIIe.)

The proposed project has the potential to result in temporary impacts to nesting birds protected under the Migratory Bird Treaty Act and the Coast horned lizard.

Mitigation Measures

10. Project construction activities shall be conducted prior to, or after, the nesting season (February 15 to September 15) in order to avoid any potential impacts to nesting birds protected by the Migratory Bird Treaty Act. This shall include any necessary vegetation and/or tree removals which could disrupt nesting birds. Therefore, construction activities should be conducted between the months of October and January to the extent feasible.

11. If Measure No. 10, above, is infeasible, pre-construction surveys shall be conducted by a qualified biologist two weeks prior to the initiation of construction activities, if initiated between February 15 and September 15 (i.e., nesting bird season) in order to identify potential bird nesting sites:

a. If active nest sites of common bird species protected under the MBTA (e.g., northern mockingbird, house finch, etc.) and Fish and Game Code 3503 and 3503.5 are observed within 300 feet of construction activities, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young and

b. If active nest sites of raptors and/or species of special concern are observed within the vicinity of the project site, construction shall be avoided or terminated until the CDFG is contacted and an appropriate buffer zone around the nest is established. Construction activities in the buffer zone shall be prohibited until the young have fled the nest or the nest is abandoned.

12. A qualified biological monitor shall conduct a worker orientation program for all construction contractors (site supervisors, equipment operators and laborers) which emphasizes the potential for presence of special-status species within the project site (i.e., CRLF, Coast horned Lizard), identification their habitat requirements and applicable regulatory policies and provisions regarding their protection, and measures being implemented to avoid and/or minimize impacts.

The proposed project may indirectly impact the riparian scrub community and in-stream habitat of the adjacent Nipomo Creek tributary.

Mitigation Measures

13. A qualified biologist shall be retained to conduct a pre-construction survey of the Riparian Scrub (Nipomo Creek) and Coyote Brush Scrub areas in the vicinity of the project site. In the event that any special-status species are identified within the project areas (i.e., CRLF, southwestern pond turtle, Coast horned lizard), all work shall be delayed and the appropriate agencies shall be contacted for further consultation. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species from the project area.

14. All equipment staging, construction-crew parking areas shall be established within the pre-designated staging areas identified on construction plans. This shall include pre-designation of all staging areas to facilitate completion of the development activities. Additionally, all construction access routes shall be established in previously disturbed areas and/or existing roadways.

15. Exclusionary fencing will be erected at the boundaries of the construction areas to avoid equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species (i.e., Nipomo Creek). The exact location of exclusionary fencing

for each construction area shall be determined by a qualified biological monitor. The fencing shall remain in place throughout the construction phase for each individual project component.

16. During construction, washing, refueling and maintenance of equipment shall occur only in designated areas. Hay bales, sandbags and sorbent pads shall be available to contain spilled fuel and/or equipment lubricants to prevent migration into Nipomo Creek.

17. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

18. The construction zone shall be kept free from litter by providing suitable disposal containers for trash and all consumption-generated material wastes. These containers shall be emptied at regular intervals and the contents properly disposed.

The proposed project may indirectly impact the riparian scrub and in-stream habitat of the adjacent Nipomo Creek corridor, an important wildlife migration corridor.

Mitigation Measures

19. A 50-foot set-back from the Nipomo Creek channel shall be illustrated on final construction plans and adhered to throughout the project. At no time shall any equipment and/or materials staging be allowed within the 50-foot set-back area.

20. Prior to commencing construction, the applicant shall prepare the following plans and agency permit applications, and shall implement all plans prior to, during and immediately following construction activities:

a. In compliance with the San Luis Obispo County Land Use Ordinance, the applicant shall prepare an Erosion and Sedimentation Control Plan (ESCP) outlining measures to address both temporary (i.e., post-construction) methods for stabilizing soil and minimizing soil loss from the proposed project site. All applicable measures shall be included on final construction plans and adhered to throughout the project.

b. All project operations shall comply with the requirements under the General Construction Storm Water General Permit, issued by the State Water Resources Control Board (SWRCB) (Permit Order 99-08-DWQ). Such requirements will include preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the project site.

c. A Spill Contingency Plan (SCP) outlining measures to prevent the release of petroleum and hazardous materials including containment methods for emergency clean-up operations. Prevention measures shall include, but are not limited to identification of appropriate fueling areas away from sensitive habitat areas such as swales and/or drainages, a

maintenance schedule for equipment and a list of appropriate containment and spill response materials to be stored on-site. All vehicles shall be staged only in appropriately marked and protected areas and at no time shall any cleaning and/or refueling of equipment be allowed upslope and/or within the vicinity of drainages. If an accidental spill of a hazardous or toxic material occurs, the Regional Water Quality Control Board (RWQCB), CDFG and California Department of Toxic Substances (CDTS) shall be notified.

21. Final landscape plans for the proposed park shall emphasize the use of California native, drought-tolerant plant species and shrubs. At no time shall any plant species listed by the California Invasive Plant Council (Cal-IPC) be included in the final landscaping plan for the proposed park.

22. The proposed walk/bike trail and cul-de-sac turnaround shall be installed no less than 50 feet from the top of the bank of Nipomo Creek. The final location of the walk/bike trail, cul-de-sac turnaround and associated 50-foot buffer shall be illustrated on all final plans and shall include permanent fencing and signage informing the public that the creek corridor is a "Sensitive Habitat Area".

23. Any required nighttime park lighting shall be shielded away from adjacent wildlife habitat areas of Nipomo Creek and pointed downward to minimize light and glare impacts on wildlife.

24. In the event that a storm water drop inlet is required along the cul-de-sac turnaround to Nipomo Creek, the appropriate regulatory agency permits shall be obtained prior to installation (e.g., CDFG, RWQCB, Corps, etc.). As necessary, impacted areas due to installation of the storm drainage system shall be mitigated per agency permit requirements. Lastly, all drop inlets shall contain appropriate oil/water separators per current regulatory standards for protection of water quality.

Utilities (Checklist Items XII.e. and XII.g.)

The proposed project will result in short-term landform alteration during project construction which could potentially alter the composition of surface runoff. This may degrade downstream water quality within the adjacent Nipomo Creek tributary.

Mitigation Measure

25. Prior to the issuance of grading permits, a detailed Drainage and Erosion Control Plan shall be submitted to the County of San Luis Obispo for review and approval. These plans shall maintain the existing site drainage patterns to the greatest extent feasible with drainage flows during project construction directed to an on-site detention basin. The Drainage and Erosion Control Plan shall include, but may not be limited to, the following elements:

a. In order to avoid erosion at drainage discharge locations during project construction, erosion control devices such as temporary berms, culverts, sandbagging or detention basins will be provided where necessary.

b. Drainage from areas disturbed by project grading shall be directed to an on-site detention basin.

The proposed project will generate demand for water for irrigation and drinking purposes.

Mitigation Measures

26. In accordance with the Uniform Plumbing Code, ultra low-flow toilets (1.6 gallons per flush) shall be installed within the proposed restrooms.

27. The proposed project shall, where possible, utilize efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots.

28. All landscape plans shall reflect the following water conservation methods: landscape with low water consuming plants; group plants with similar irrigation requirements to reduce over-irrigation; use of mulch in order to improve the water holding capacity of the soil by reducing evaporation and soil compaction and installation of efficient irrigation systems that minimize runoff and evaporation and maximize the amount of water that will reach the plant roots. Drip irrigation, soil moisture sensors and automatic irrigation systems also represent methods of increasing irrigation efficiency.

Aesthetics (Checklist Item XIII.c.)

The proposed project will include the provision of lighting which may potentially result in the generation of additional light and glare.

Mitigation Measures

29. Prior to the issuance of building permits, a detailed Exterior Lighting Plan shall be submitted to the County of San Luis Obispo for review and approval. This plan shall specify the following:

a. All lighting fixtures shall be directed downward and shielded so that neither the lamp nor the interior reflective surface is visible from areas outside the boundaries of the project site.

b. All lights, poles, fixtures and hoods shall be dark, non-reflective colors.

c. Security lighting shall be shielded with lighting heights no more than is absolutely necessary so as not to create glare when viewed from areas outside the boundaries of the project site.

Cultural Resources (Checklist Items XIV.a., XIV.b. and XIV.c.)

The proposed project may result in the excavation of paleontological and archaeological resources during project grading.

Mitigation Measure

30. If any paleontological and/or archeological resources are encountered during project grading, a qualified paleontologist/archeologist shall be empowered to temporarily halt or redirect construction equipment while resources are evaluated and appropriate recommendations made.

The proposed project may result in the excavation of historic resources associated with the Pacific Coast Railway during project grading.

Mitigation Measures

31. A qualified historic archeologist familiar with the Pacific Coast Railway history shall prepare a historic monitoring program that includes a preconstruction workshop for the construction crew.

32. A qualified historic archeologist shall conduct monitoring of initial project grading. The Pacific Coast Railway Museum shall be notified and may assist in the monitoring of the initial project grading or in any assessment that may be necessary if subsurface evidence of the depot or other facilities are unearthed.

33. The existing Pacific Coast Railway plaque, crossing sign and any remaining rails shall remain in place.

34. The design of the proposed project shall minimize subsurface disturbances and major grading of the depot area in order to avoid potential impacts to significant historic resources.

VII. ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.	☐
I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this document have been added to the project. A NEGATIVE DECLARATION will be prepared.	☒
I find that the project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	☐
I find that the project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and 2) has been addressed by mitigation measures based on an earlier analysis. If the effect is a potentially significant impact or potentially significant unless mitigated, an ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that need to be addressed.	☐
I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including project revisions or mitigation measures that are imposed upon the proposed project.	☐

Nipomo Community Services District:

_____ Date_____

Bruce Buel
General Manager
Nipomo Community Services District

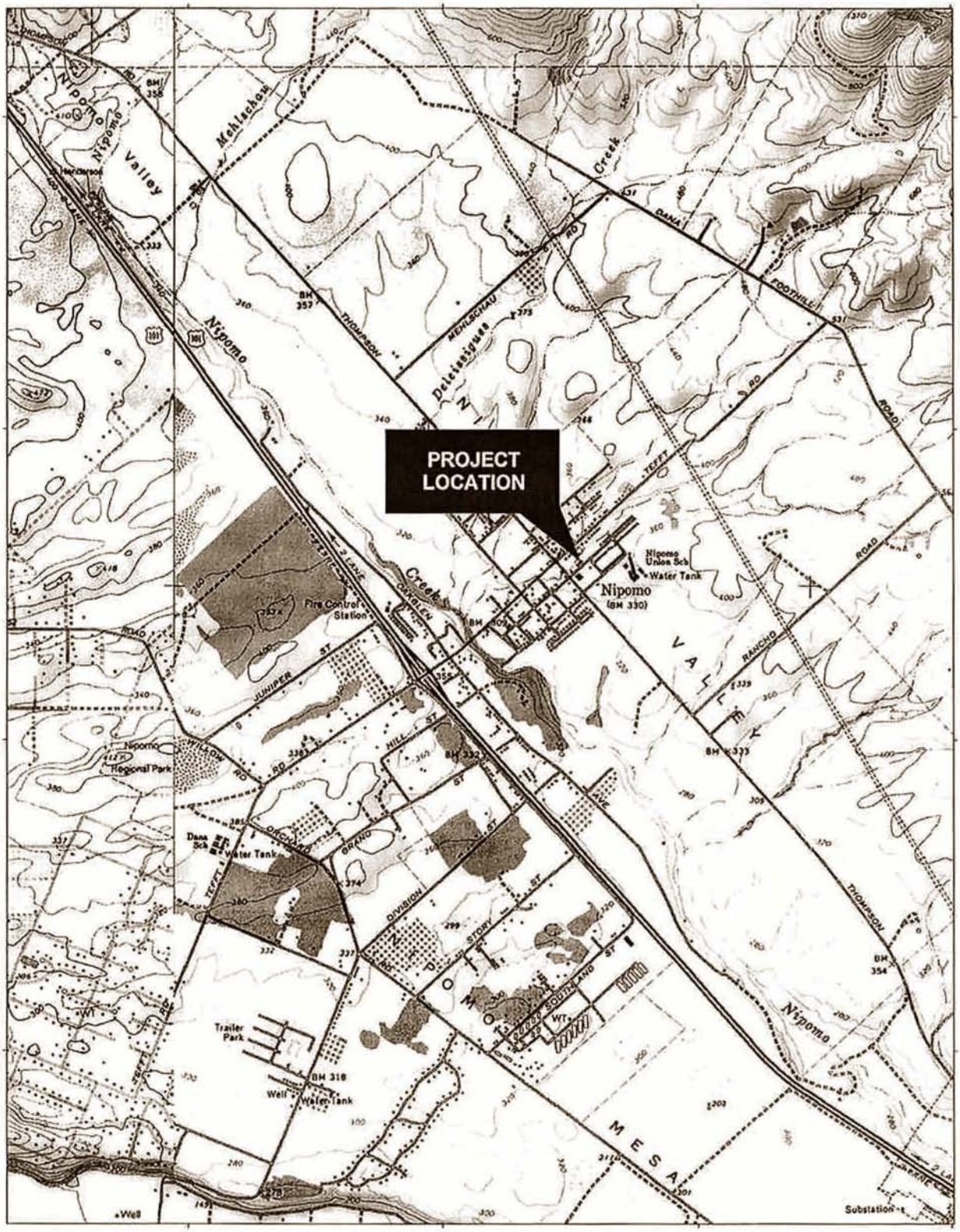
VIII. CERTIFICATION

I hereby affirm to the best of my knowledge, based on available information provided to me through specialist's technical reports, public documents and original research, analysis and assessments, the statements and information contained within this environmental document are true and correct to the degree of accuracy necessary for public disclosure purposes in accordance with Public Resources Code Section 21003, 21061 and 21100.

_____

Bruce Buel
General Manager
Nipomo Community Services District

FIGURE 1
Location Map



Miller Park Project

Douglas Wood & Associates, Inc.

Expanded Initial Study

FIGURE 2
Vicinity Map

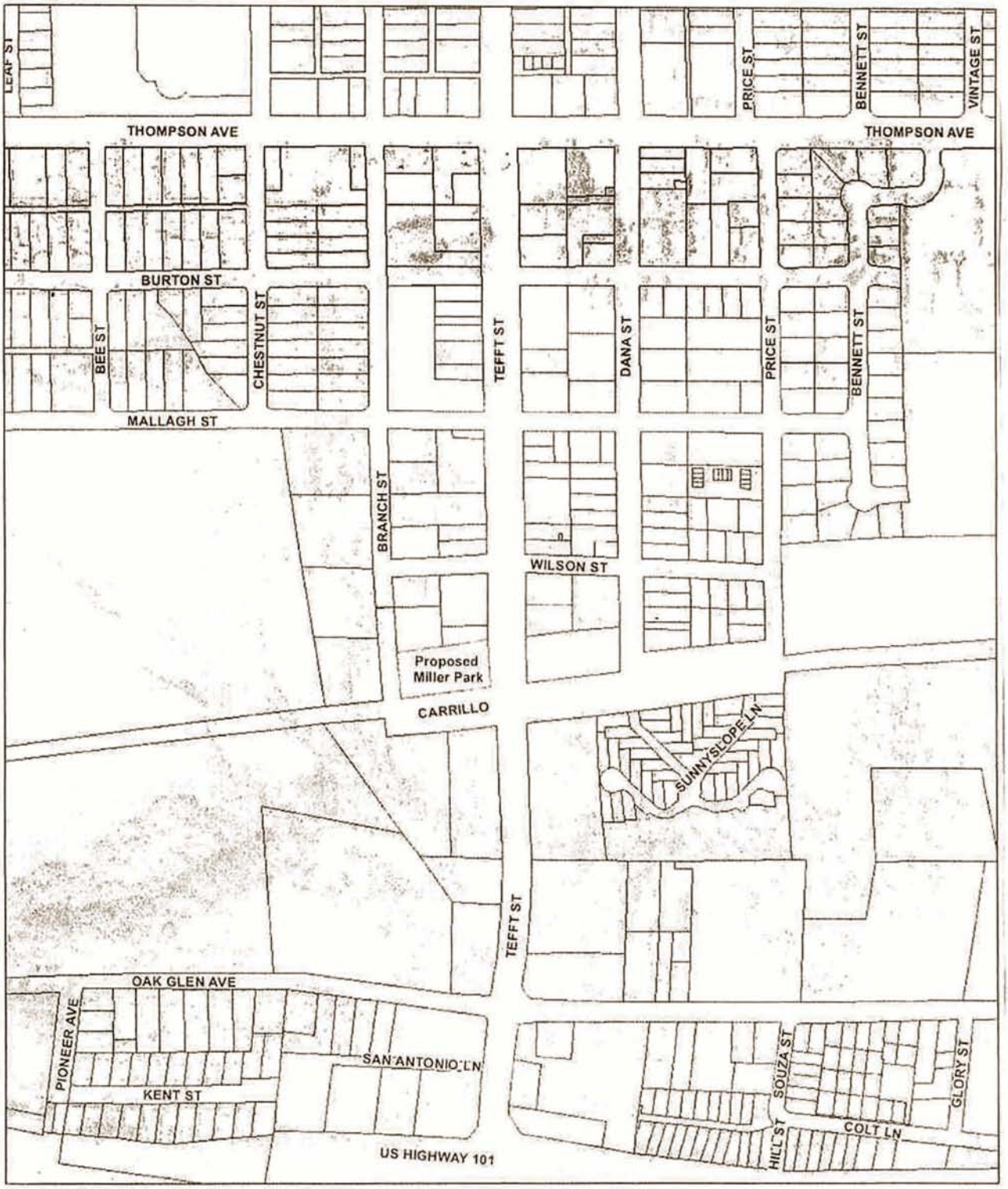


FIGURE 3
Aerial Photograph

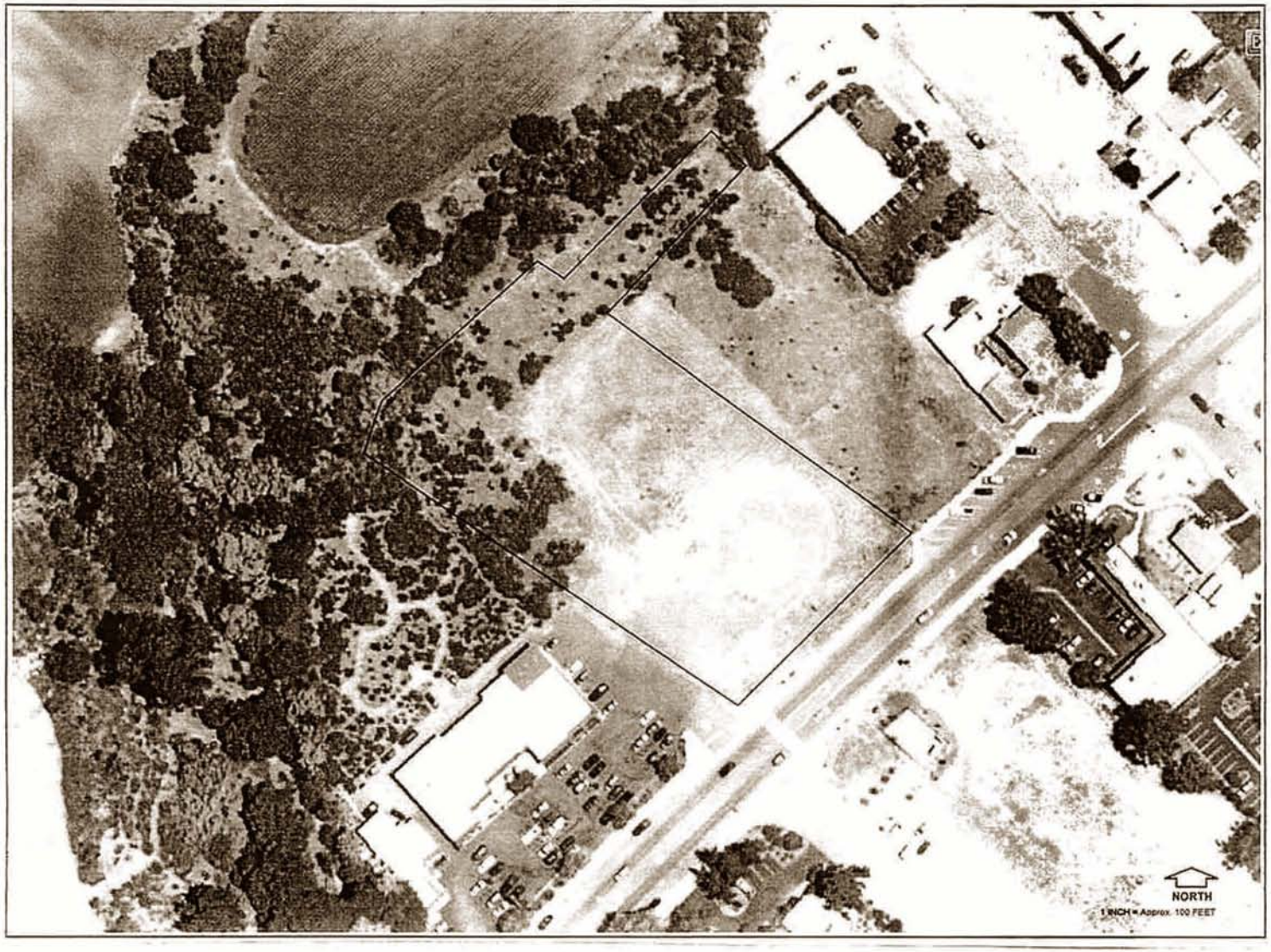


FIGURE 4
Proposed Park Facilities