

## 4.7 LAND USE

This section of the Program EIR addresses potential impacts resulting from implementation of the proposed NCP Master Plan on existing land uses and future land use compatibility.

### 4.7.1 Existing Conditions

The project site consists of two main locations: the NCP and Mesa Meadows Recreation Area. Land use designations include Recreation, Public Facility, and Residential Suburban (refer to Figure 3-1).

#### 4.7.1.1 Existing Land Uses and Designations

NCP is predominantly in the Recreation land use category, with approximately 9.4 acres along the southern boundary designated Public Facilities and currently being used as open space. The park currently consists of various open parkland uses, including three little league baseball fields, one regulation-sized baseball field, lighted tennis courts, basketball hoops, children's playgrounds, individual and group day-use picnic sites, dog parks, equestrian trails, bike and pedestrian paths, and a locally maintained native plant and community garden. NCP encompasses the Nipomo Native Garden at its northern boundary, an approximately 12-acre native botanical garden featuring plant communities native to the Nipomo Mesa and Nipomo dunes complex.

The Mesa Meadows Recreation Area is within the Residential Suburban land use category, but was deeded to the County in 2001 as part of an Open Space Agreement associated with the residential development to the southwest. The area is currently in passive recreation and open space, and existing uses include a Class I bike path, nature trail, and undeveloped open space area. The Open Space Agreement limits the use of Mesa Meadows to passive land uses only, and no improvements are proposed in this area as part of the project.

The physical setting and existing land uses of the project area are further discussed in Chapter 3, Environmental Setting.

#### 4.7.1.2 Land Use of Adjacent Properties

The majority of lands directly adjacent to the project area are in Residential Suburban or Residential Single Family land use designations. There are also two parcels at the southeast corner of the project area within other designations: a Public Facility parcel at the location of Dana Elementary School and an Office Professional parcel with some general office buildings and a community health center expansion (under construction).

### 4.7.2 Regulatory Setting

#### 4.7.2.1 State Policies and Regulations

Aside from CEQA, there are no State policies or regulations applicable to the proposed project, with regard to land use issues.

#### 4.7.2.2 Local Policies and Regulations

Pursuant to the LUO (Title 22 of the County Code), §22.06.040 (Exemptions from Land Use Permit Requirements), County projects constructed by the county or its contractors are exempt from the land use permit requirements of Title 22, including compliance with noted planning

area standards identified in the South County Area Plan. However, it is the policy of the County to implement actions that are consistent with Title 22 and the County General Plan, to the maximum extent feasible.

In addition, while the County is not subject to ordinance requirements, the LUO includes standards that are useful as possible thresholds of significance, such as noise standards, and mitigation measures (i.e., preparation of drainage and erosion control plans). Ordinances and standards applicable to the project area are listed and discussed below.

### Framework for Planning (Inland)

The first part of the County Land Use Element is the Framework for Planning. The Framework contains policies and procedures that apply to the unincorporated area outside the coastal zone, and defines how the Land Use Element is used together with the LUO and other adopted plans. The Framework also explains the criteria used in applying land use categories and combining designations to the land, and the operation of the Resource Management System. Combining designations are special map categories that identify areas of unique resources or potential hazards that necessitate more careful project review.

### County of San Luis Obispo Land Use Ordinance

The LUO (Title 22 of the County Code) includes regulations established and adopted to protect and promote public health, safety, and welfare. Regulations are also adopted to implement the County General Plan, guide and manage the future growth of the county in accordance with those plans, and regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the county. In addition, LUO regulations are in place to minimize adverse effects on the public resulting from land use and development, as well as to protect and enhance the significant natural, historic, archeological, and scenic resources within the county as identified by the County General Plan.

### County of San Luis Obispo South County Area Plan

The project lies within the unincorporated area of San Luis Obispo County, and outside of the California Coastal Zone, which is under the jurisdiction of the *South County Inland Area Plan*. The plan acts as a guide for the cohesive and comprehensive development of the South County Inland Area, and seeks to guide future development that will balance the social, economic, environmental and governmental resources and activities affecting the quality of life within the area. This plan includes planning area standards for the South County Planning Area, which includes the urban community of Nipomo, and seeks to preserve the character of the communities and rural areas that currently exist in the area.

### San Luis Obispo County Land Use Ordinance, Nipomo Urban Area Planning Standards

Article 9 of the LUO includes standards for proposed development and new land uses that are specific to each of the planning areas defined by the Land Use Element, including standards specifically applicable to the Nipomo Urban Area. These standards are mandatory requirements, intended to address the local planning issues of each planning area. As noted above, County public projects are exempt from the LUO; however, the standards are useful thresholds of significance to identify potential land use impacts.

## San Luis Obispo County General Plan

### *Parks and Recreation Element*

The Parks and Recreation Element is an optional component of the County General Plan. The County has had a Recreation Element as part of its General Plan since 1968, showing an early commitment to provide adequate park and recreation opportunities for both residents and visitors. The Recreation Element establishes goals, policies, and implementation measures for management, renovation, and expansion of existing, and development of new, parks and recreation facilities in order to meet existing and projected needs and to ensure an equitable distribution of parks throughout the county. The purpose of the Parks and Recreation Element is to: (1) provide policy guidance regarding the provision of park and recreation services, (2) document the County's existing park and recreation resources, and (3) facilitate the evaluation of park and recreation needs including those resources that are outside the County's management during the land use decision process.

### *Noise Element*

The County Noise Element (adopted May 5, 1992) provides a policy framework for addressing potential noise impacts in the planning process, and minimizing future noise conflicts. The Noise Element identifies transportation-related, stationary, and potential operational noise generators in the county, provides a list of noise-sensitive land uses, and identifies acceptable and unacceptable thresholds of noise exposure based on land use. The document also provides mitigation measures that should be applied to projects when noise attenuation is required to meet identified thresholds.

### *Safety Element*

The two primary principles of the County Safety Element are emergency preparedness and managed development to reduce risk. The Safety Element identifies potential emergency situations and natural disasters within the county, and includes goals and policies for response during an emergency or natural disaster, and avoidance of unnecessary risk.

## West Tefft Corridor Design Plan

The project area is bounded for approximately 980 feet on the eastern boundary (APN 092-121-086) by West Tefft Street. The West Tefft Corridor Design Plan addresses the design of new development and streets near West Tefft Street between US 101 and Dana Elementary School, including the area along West Tefft encompassed by the proposed project. The central concerns of the plan are to avoid the development of suburban shopping centers throughout the designated downtown and to avoid street environments that are dangerous or unattractive to pedestrians. However, the area of West Tefft bordering the proposed project was included in the Design Plan solely to extend parkway/sidewalk concepts within the right-of-way. The Design Plan gives guidance for the desired appearance and scale of streets, buildings and open spaces, which are to be achieved through the public review of new projects and their completion.

### **4.7.3 Thresholds of Significance**

The significance of impacts on land use was determined by the County consistent with criteria listed in Appendix G of the CEQA Guidelines. For the purpose of this Program EIR, a project will have a significant effect on the environment if it would:

1. Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects; or,
2. Be potentially inconsistent with any habitat or community conservation plan;
3. Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project; or,
4. Be potentially incompatible with surrounding land uses.

#### 4.7.4 Impact Assessment and Methodology

The analysis of land use was conducted qualitatively based on existing land use policies and the existing land use setting. The potential impacts resulting from implementation of the proposed Master Plan were analyzed against the ordinance standards and General Plan policies whose purpose it is to remedy the impacts. Chapter 3, Environmental Setting, of this Program EIR describes the applicable land use plans and policies and provides an analysis of the consistency of the proposed actions with these plans and policies.

#### 4.7.5 Project-specific Impacts and Mitigation Measures

##### 4.7.5.1 Consistency with Land Use, Policy/Regulation

The project has been assessed for consistency with the County General Plan and LUO. As noted above, compliance with ordinance regulations is not required; however, these standards provide measurable thresholds of significance when assessing potential land use impacts (i.e., setbacks, structure heights, access requirements). Applicable standards are noted below.

##### Land Use Setbacks

Section 22.30.340 of the County LUO identifies specific thresholds outdoor sports and recreational facilities. These thresholds, and the project's proposed thresholds, are included in Table 4.7-1 below. As proposed, the proposed project elements would be consistent with all identified setbacks except for the skate park.

**Table 4.7-1. Land Use Ordinance Minimum Setback Requirements**

Facility	Required Setback (feet)	Proposed Setback (feet)
Sports Turf Fields (lighting)	100	120
Group Picnic Areas (lighting)	100	240
Amphitheater	F: 10 / S: 30 / R: 15	200 (minimum)
Playgrounds	50	180
Recreation center	F: 10 / S: 30 / R: 15	720
Swimming Pool (no lighting)	50	50
Dog park (no lighting)	50	50

Facility	Required Setback (feet)	Proposed Setback (feet)
Skate park (no lighting)	1,000 (from residential)	120
Handball courts (no lighting)	50	920
Horseshoe pits (no lighting)	50	360
Tennis courts (lighting)	100	640
Basketball courts (lighting)	100	840

F = front, S = side, R = rear

Source: San Luis Obispo County LUO

Setbacks are often recommended to encourage land use consistency, including adequate distance for noise attenuation. Noise generated by proposed park uses may affect sensitive uses, including residences, Dana Elementary School, and the Nipomo Library. Section 22.30.340 of the Land Use Ordinance states that amusement parks (including skate parks) are not located closer than 1,000 feet to a residential category. The proposed skate park element to the proposed project would be located approximately 120 feet from residential property boundaries to the east, and therefore does not comply with the ordinance requirement. Section 22.30.020(D) states that the standards of §22.30.340 may be waived or modified through Conditional Use Permit approval provided that the Planning Commission makes the appropriate findings based on specific conditions of the site that make the standard either unnecessary or ineffective.

As discussed further in Section 4.8, Noise, the recommended setback is 400 feet based on average use of the skate park (without other mitigating design elements). As proposed, the skate park would be located within 200 feet of the existing library and proposed library expansion, and approximately 380 feet from Dana Elementary School. A residential development is located approximately 120 feet to the southeast, across West Tefft Street. Based on the noise analysis, which included measurement of traffic noise along West Tefft Street, use of the skate park would add 1 dB to the existing (and future estimated) ambient noise level. Noting that traffic levels fluctuate during the day, there would be periods when noise generated by the skate park would exceed noise generated by traffic on West Tefft Street, which would adversely affect residential land uses. Mitigation is recommended, including measures such as incorporating an in-ground design and a noise barrier or berm between the skate park and noise sensitive uses. Construction of a barrier within 25 feet of the edge of the skate park will reduce the noise level by approximately 5 to 10 dB; which would result in a noise level of approximately 63 to 68 dB at the barrier, and approximately 52 to 57 dB at a distance of 100 feet from the source. Therefore, the project would not generate noise levels significantly exceeding ambient noise levels, and would also mitigate potential related land use impacts.

Based on this analysis, and implementation of recommended mitigation (N/mm-2), it can be found that the standards required by §22.30.340(A) are unnecessary in this instance, and potential land use impacts would be less than significant.

### Structure Height

Section 22.10.090.C (Height Limits) establishes a 35-foot height limit for structures in the Recreation land use category. The tallest structure proposed as part of the NCMP is the recreation/community center, which would be 35 feet in height, consistent with the standard.

### Light and Glare

The proposed project includes the installation of exterior lighting for use of the sports fields, tennis courts, and basketball courts. As shown in Table 4.7-1 Land Use Ordinance Minimum Setback Requirements, the project would be consistent with recommended setbacks for these lighted uses; however, the generation of additional light may have an adverse effect on residential uses in the closest proximity, to the southwest of the proposed sports fields. County LUO §22.10.060 (Exterior Lighting) includes standards to minimize light intensity, and requires that light sources are shielded. In addition, the County *Parks and Recreation Element* states that “Facilities shall be designed to minimize new light, except for the minimum required for safety. In general, lighting fixtures shall be downcast and hooded. Night lighting for active sports fields shall limit spillover visible at sensitive uses such as residences to the maximum extent practical. Use of glare-producing materials shall be minimized”.

As discussed in Section 4.1, Aesthetic Resources, mitigation is recommended to design, implement, and verify exterior lighting that would not create excessive glare adversely affecting nearby residential uses (refer to AES/mm-6 and AES/mm-7), consistent with the LUO and General Plan. Based on implementation of these measures, potential land use impacts would be less than significant.

### Title 19 – Building and Construction Ordinance

Section 19.07.022 (Private Sewage Disposal Systems) states that the use of private on-site sewage disposal systems is allowed only within the rural areas of the county and within urban and village areas where no community sewage collection, treatment, and disposal system exists. Section 19.07.022(a) notes that these regulations are enacted in part to implement the requirements of the “Water Quality Control Plan Central Coast Basin” (Basin Plan). Based on consultation with the RWQCB regarding the Basin Plan and Basin Plan Amendment requirements, restroom facilities within the park are not required to connect to the Nipomo Community Services District (NCS D) sewer system unless compliance with the Basin Plan cannot be demonstrated (RWQCB 2010).

The proposed on-site systems would be located on public land, be operated and maintained by a public agency (County), and would serve the public visitors to NCP. As discussed in Section 4.11, Wastewater, the existing onsite systems have served current uses, and based on the size and topography of the project site, construction of an engineered system in compliance with the Basin Plan is feasible. Therefore, potential land use impacts would be less than significant.

### Strategic Growth

On April 28, 2009, the County Board of Supervisors adopted Principles of Strategic Growth, including policies and implementing strategies. Principles include the following:

1. Preserve open space, scenic natural beauty and sensitive environmental areas.
2. Conserve energy resources. Conserve agricultural resources and protect agricultural land.

3. Strengthen and direct development towards existing and strategically planned communities.
4. Foster distinctive, attractive communities with a strong sense of place.
5. Create walkable neighborhoods and towns.
6. Provide a variety of transportation choices.
7. Create a range of housing opportunities and choices.
8. Encourage mixed land uses.
9. Take advantage of compact building design.
10. Make development decisions predictable, fair and cost-effective.
11. Encourage community and stakeholder collaboration.
12. Strengthen regional cooperation.

Relative to land use, the proposed NCP Master Plan is consistent with these Principles and associated policies because it would:

- Plan for most future development to be within an existing and strategically planned community (Principle 2, Policy 3).
- Contribute to the creation of a complete community with appropriate areas for housing, commerce, civic uses, schools, recreation, and open spaces (Principle 2, Policy 4).
- Create active and vital urban and village environments that are attractive, compact, and orderly arrangements of structures and open space, appropriate to the size and scale of Nipomo (Principle 2, Policy 5).
- Phase urban development in a compact manner, first using vacant or underutilized infill parcels and lands next to or near existing development (Principle 2, Policy 7).
- Provide adequate community amenities, parks, natural areas, and trails in support of new development, which will support a high quality of life and a compact form of community development (Principle 2, Policy 11).
- Provide parks and public spaces located as focal points within convenient walking distances of neighborhoods (Principle 4, Policy 1).
- Provide connectivity between different land uses through walkways (Principle 4, Policy 2).
- Create attractive street enhancements and public spaces that serve as gathering places on corridors and at connecting locations (Principle 4, Policy 3).
- Provide parks, natural areas, and recreation facilities with new urban development to enhance the community's quality of life and improve public health (Principle 4, Policy 4).
- Create non-residential areas that minimize fear and crime through environmental and urban design (Principle 4, Policy 5).

As discussed above, potential land use impacts include the generation of noise, light, and glare. Upon implementation and operation of the proposed project, adjacent land uses will notice changes in the NCP, including an increase in noise and lighting. While these changes would affect adjacent land uses, based on resource-specific analysis of these issues and implementation of recommended mitigation, potential land use impacts would be *less than significant* (Class III).

#### **4.7.5.2 Consistency with Habitat or Community Conservation Plan**

There are no habitat conservation plans or natural community conservation plans in effect that would conflict with the developments proposed in the NCP Master Plan; therefore, no impact would occur.

#### **4.7.5.3 Consistency with Adopted Agency Environmental Plans**

As discussed in Section 4.2, Air Quality, the project is consistent with the SLOAPCD *Clean Air Plan*. As discussed in Section 4.11, Wastewater, compliance with the RWQCB Basin Plan is feasible. The project appears to be consistent with applicable adopted agency environmental plans.

#### **4.7.5.4 Compatibility with Surrounding Land Uses**

The proposed NCPMP is intended to enhance existing land uses and strengthen the recreational and open space uses in the central urban core of Nipomo. The proposed NCPMP; however, does present potential conflicts with surrounding residential uses, including changes to the existing visual setting (i.e., potential conflicts with community values regarding the character of NCP), increased light and glare during evening hours, and increased levels of noise within the proposed developed areas of NCP.

These issues are thoroughly analyzed in their relative sections, including Aesthetic Resources (Section 4.1) and Noise (Section 4.8) of this Program EIR. No significant, adverse, unavoidable impacts were identified. All identified impacts can be mitigated to less than significant, which would subsequently address potential land use conflicts as well, and ensure consistency with regulations and policies. No additional mitigation measures are required.

#### **4.7.6 Cumulative Impacts**

Potential cumulative land use impacts would be avoided or minimized through implementation of the mitigation measures described in this Program EIR. The proposed uses are generally consistent with the current use of NCP, the surrounding community, and the land use designation and policies applicable to the project site. In addition, prior to development of major features requiring further discretionary review, the public will have an opportunity to provide comments regarding specific elements (i.e., recreation/community center). No additional mitigation measures are necessary.