

Attachment 2

Response to Recently Received Comments Submitted to the San Luis Obispo County Board of Supervisors Regarding the Nipomo Community Park Master Plan and Program Environmental Impact Report

WATER

Reasonable and Beneficial Use of Water

Use of water for the implementation and maintenance of a public park is considered a reasonable and beneficial use of water, because the water would irrigate public recreational facilities. The provision of diverse recreational opportunities by the County is in the best interest of the people, and overall public welfare. Implementation of the Master Plan, and water conservation mitigation measures, would address current irrigation inefficiencies and avoid unnecessary waste of water applied to both existing and future uses.

Groundwater Extraction, Seawater Intrusion, and Subsidence

The County acknowledges the Level of Severity III designation for the Nipomo Mesa Area water supply, which was caused by a variety of factors including (but not limited to) use of water by the Nipomo Community Services District (NCSD), other water providers, and private wells within the affected groundwater basin. As noted in the EIR, baseline conditions include this designation. In addition, as noted by the NCSD in published and certified documents referenced in the EIR, water conservation efforts, use of recycled water for irrigation (including Nipomo Park), in addition to a supplemental water supply, would address both current demands and future uses within the overall services district boundary. This information is incorporated into the EIR, which includes mitigation requiring aggressive water conservation measures for both existing and future irrigation practices, and consistency with additional options for water supply for future uses (i.e., use of recycled water from the Southland Wastewater Treatment Facility).

Through the Master Plan process and scoping conducted as part of the EIR, the County worked with the NCSD to identify measures to reduce water demands for existing uses to avoid any potential that the project might contribute to additional groundwater extraction, seawater intrusion, and subsidence. Reduction of existing water use is required prior to expansion of turf and irrigated areas, and is subject to verification by the water provider for this project, the NCSD.

CEQA requires analysis of a project's effect on the environment, specifically the: "direct physical changes in the environment that may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project" (Section 15064). CEQA *Guidelines* also state that the "mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable."

As noted above, the EIR identifies the existing groundwater shortage and resulting effects as part of the project analysis baseline. The County is required to comply with identified mitigation measures, including reducing current water use by 50 percent prior to expansion of irrigated areas. As a result, the project would not require additional potable water supply from the NCSD, and there is no substantial evidence that the project would require additional groundwater extraction by the NCSD to specifically serve the project.

The preschool, library, and ranger residence are existing uses, and are part of the use baseline, and expansion is not anticipated to include additional water-using appliances. Use of water for landscaping and biological mitigation would be temporary, as the plant palette is limited to native and drought-tolerant species. Implementation of the project, and identified mitigation measures, would not result in a need for supplemental groundwater, or additional groundwater extraction specifically for the project, and would therefore not contribute to the exacerbation of seawater intrusion or subsidence of the groundwater basin. There is no evidence that approval of the project would have any significant effect on groundwater extraction, primarily because the project would not require water demand exceeding existing use.

Analyzing the effects of seawater intrusion, unsustainable yields, and disruption of existing local water supplies is outside of the scope of the EIR, because implementation of the project would not result in these effects. Seawater intrusion and the groundwater basin overdraft is part of the baseline. There is no substantial evidence that the project would worsen these conditions or require additional groundwater extraction or pumping by the NCSD to serve the project.

The EIR considers both the adequacy of the water supply (the baseline) and the amount of water to be used (the project's effect on the environment). Because of the baseline conditions, and the determination that the project would result in additional demand for water services, mitigation is provided to address this impact and ensure that implementation of the project would not require the use of additional potable water supply beyond existing conditions. As noted above and in the EIR, expansion of water-intensive uses is conditional and based on the substantial reduction of existing water use. Because no additional draw would be required, the County can make the finding that the project would have a less than significant impact on groundwater resources.

Public Services

The EIR concluded that the project would not result in any impacts to public services relating to water supplies (less than significant, no mitigation necessary) because implementation of the project site is currently served by the NCSD via existing water lines, and any future use of recycled water would be provided by infrastructure currently identified in the NCSD's approved phased plans for the Southland Wastewater Treatment Facility. There is no substantial evidence that the NCSD will require a new well, or any other expansion of facilities, to specifically serve this project.

OAK WOODLAND AND CLIMATE CHANGE

Based on data from the California Oak Foundation (2008), 1,035,334 carbon metric tons are sequestered in coast live oak woodland within San Luis Obispo County (or approximately 12.5 metric tons/acre). The loss of approximately one acre of coast live oak woodland would result in a temporary loss of 12.5 metric tons of carbon sequestration. In the long-term, the project includes 5.6 acres of restoration area, including oak woodland, which would sequester carbon.

The temporary loss of oak woodland, and associated carbon sequestration, is not identified as a significant impact in the EIR because the temporary loss is negligible, and will be reasonably offset by the planting of new trees and conservation of continuous oak woodland onsite. In addition, the project addresses key land use and transportation sources of greenhouse gas emissions (GHG), including the provision of public use areas within an existing urban area, with opportunities for alternative transportation including improved pedestrian, bicyclist, and transit access.

ALTERNATIVES

The project consists of a Master Plan for a specific park, Nipomo Community Park, and because of this, consideration of an alternative site for the Master Plan does not meet the rule of reason. The project is not a feasibility study for additional recreational opportunities within the community of Nipomo. The EIR complies with CEQA, because it provides a reasonable range of alternatives that would feasibly attain most of the basic objectives of the project, and would avoid or substantially lessen identified significant effects of the project. No significant and unavoidable impacts are identified.

ENFORCEABLE MITIGATION

The County is required by CEQA to comply with the Mitigation, Monitoring, and Reporting Plan (MMRP). The MMRP is included in the proposed Resolution for approval of the project and certification of the EIR. It is not atypical for the County to be responsible for verifying and enforcing mitigation measures for County projects, because the County is both the Lead Agency and the project proponent. The County will comply with CEQA, and will not arbitrarily ignore or change mitigation measures that have been reviewed and certified as part of the Final EIR by the Board of Supervisors.

In order to ensure the public and decision makers have a clear understanding how the MMRP relates to implementation of the Master Plan, the County has prepared an Implementation Plan, which clearly identifies each component of the Master Plan, which mitigation measures are applicable to specific actions, and how public involvement would be conducted for each action, which is included in a revised Resolution for the Board's consideration and approval.

PROJECT EIR AND TIERING

As noted in the EIR, preparation of a Program EIR allows a Lead Agency to assess the whole of the action, which in this case consists of a series of elements and improvements. Prior to implementation of any action, the County is required by CEQA to review the Program EIR and make a determination whether further CEQA documentation is necessary. When tiering off a Program EIR, potential options

may include: 1) determination that the action is consistent with the analysis in the Program EIR, and no further analysis is necessary; or 2) new information is available warranting preparation of a tiered CEQA document, such as an Initial Study/Mitigated Negative Declaration, Subsequent EIR, or Supplemental EIR. At the point that the County is ready to implement the Master Plan or to construct any of the project components, the County will determine whether the Program EIR is sufficient or if additional environmental review is required. The County anticipates that minor actions, such as construction of a new restroom building, will likely be consistent with the Program EIR and may not need any additional environmental documents, whereas major actions, such as construction of the sports fields or community center, may require, at a minimum, an Initial Study that assesses the new, available information. It is also the intention of the County, as evident in proposed mitigation measures, to involve the public regarding the design of major facilities, such as the community center.

The analysis in the EIR corresponds to the depth and detail of available information. The EIR presents assumptions regarding design, area of impact, and operations, assuming a worst case scenario, which is adequate information to make a determination regarding level of impact and to identify mitigation measures. This is evident in the provided photo-simulations, which assume a maximum height and size of the facility, and mitigation measures, which identify verifiable and enforceable design standards.

The mitigation and Implementation Plan do not include requirements for future CEQA review, because it is not appropriate to determine the level of determination in the Program EIR. It is within the Lead Agency's authority to review the evidence and conduct additional CEQA review based on existing conditions, the level of detail provided in the Program EIR, and the specific details of the subsequent project. The Implementation Plan includes more information regarding each future action, and the County's process for obtaining additional public review for each major project component.

COMMUNITY VS REGIONAL PARK

The County's Parks and Recreation Element designates Nipomo Park as a "Community" park. The Parks and Recreation Element was adopted by the San Luis Obispo County Board of Supervisors on December 19, 2006 via Resolution 2006-478. The Parks and Recreation Element is an optional component of the County's General Plan. The County has had a Recreation Element as part of its General Plan since 1968. The adoption of the original Recreation Element shows an early commitment, on the part of the County, to providing adequate park and recreation opportunities for both residents and visitors. This also recognizes the important role parks play in the make-up of the county's quality of life.

Table 1- County Parks Inventory, on page 13 of the Parks and Recreation Element, lists "Nipomo Community Park". Page 22, of the Parks and Recreation Element states: "The County's community parks tend to provide items such as sports complexes, community centers, tennis and basketball courts, skate parks, group picnic areas, and perhaps a swimming pool". Page 47, of the Parks and Recreation Element provides the definition of a Community Park: "Community parks are roughly between 20 and 25 acres and provide recreation facilities that serve not only the local community but also, in some cases, visitors from outside the city or county. For example, a community park, which includes numerous sports fields, will draw people from outside the community for tournament play. Typical facilities might include a

skate park, sports fields (football, baseball, soccer, and softball), a swimming pool, a sufficient number of tennis courts for tournament play, group picnic areas, and/or a community center. Although community parks tend to be more active in nature and/or provide a greater mix of active recreation, they may also contain some passive uses such as trails, scenic overlooks, benches and nature appreciation". Nipomo Community Park falls within this definition of "Community Park."

NEED FOR ADDITIONAL FACILITIES / COMMUNITY NEEDS

Today Nipomo has grown to nearly 17,000 people. With this growing population, many residents' park and recreation needs are unmet. According to the formula set forth in the Parks and Recreation Element that determines how well a community's recreation needs are met, Nipomo should have 55-acres of neighborhood and community park land. Although Nipomo Community Park is 137-acres, only 15-acres contain the active recreation facilities that are typically located in community parks (sport fields, skate park, tennis court, pool). The balance of the site is undeveloped with volunteer trails running through it. Nipomo Community Park is the only park in Nipomo, verifying that Nipomo is underserved in recreational facilities.

To obtain public input, a community survey and four public workshops were conducted. The workshops were arranged in two sets. The purpose of the first two workshops was to obtain input regarding what people would like to see in the park and obtain input regarding potential concerns. These workshops, held at the Nipomo Community Services District (NCS D) on March 3 and 4, 2004, included an exercise to let groups of participants draw ideas on a park plan. The facilities with the highest degree of consensus included:

- Preserve existing park facilities
- Preserve existing oaks and open space
- Retain existing multi-use trails
- New community center / recreation building
- Additional sports fields
- Multi-use path around park perimeter
- Equestrian staging area and multi use arena
- Enhance safety at both park entrances

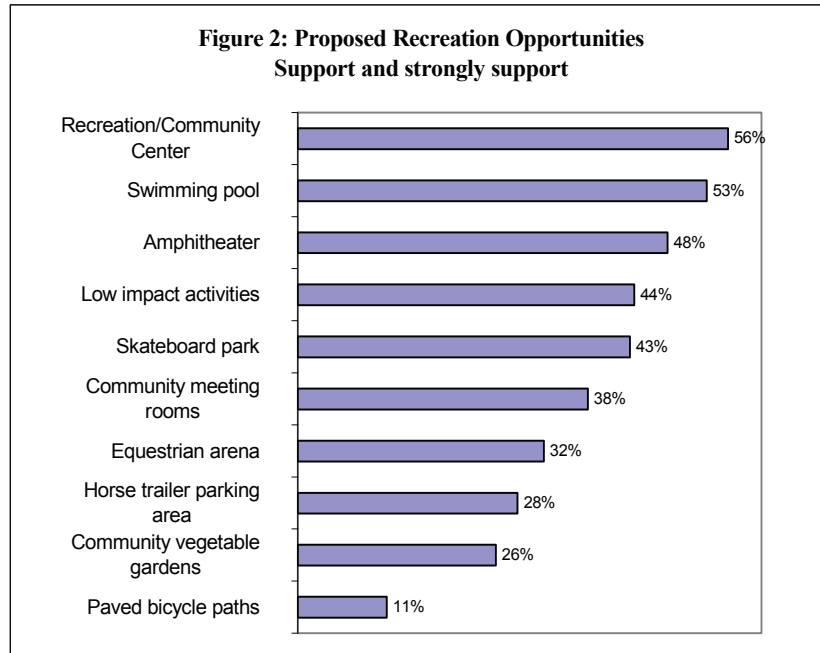
The County commissioned a public survey to identify public opinions regarding Nipomo Community Park and what additions or improvements are needed (Kocher 2004). The survey was mailed out in January 2004 to 3,000 randomly selected households in the communities of Nipomo and Oceano; 522 survey responses were returned by mail. In addition to the mail survey, 51 surveys were conducted onsite at Nipomo Community Park, resulting in a total of 573 responses/returned surveys. The two-page survey included questions on existing recreation, proposed recreation, park funding, unmet recreation needs, and demographic characteristics of the survey respondents. The survey found that, for the recreation opportunities currently provided, people wanted more walking trails, park restrooms, playgrounds, picnic areas, parking, and sports fields. When asked what new recreation facilities they wanted, a majority favored a community recreation center, swimming pool, amphitheater, and skateboard park.

The survey results are shown on the following page.

Table 2: Proposed Recreation Opportunities

Question 2: Proposed Recreation Opportunities. Please indicate your level of support for the following proposed recreation opportunities and facilities.

Proposed Recreation Opportunities	Strongly Oppose	Oppose	Neutral	Support	Strongly Support
Recreation/Community Center (gym, meeting rooms, kitchen, etc.)	8%	12%	24%	31%	25%
Swimming pool	11%	14%	22%	28%	25%
Amphitheater for outdoor performing arts	10%	13%	29%	31%	17%
Low impact activities (shuffleboard, lawn bowling, etc.)	7%	7%	44%	34%	9%
Skateboard park	18%	13%	27%	28%	14%
Community meeting rooms	9%	15%	37%	30%	9%
Equestrian arena (no rodeos or commercial events)	15%	19%	34%	21%	11%
Horse trailer parking area	17%	17%	38%	19%	10%
Community vegetable gardens	13%	20%	42%	18%	7%
Paved bicycle paths	4%	54%	31%	11%	0%



CONFORMANCE WITH THE LAND USE ORDINANCE AND GENERAL PLAN

Land Use Ordinance

The Nipomo Community Park Master Plan is a County project and, consistent with the intention and interpretation of the Land Use Ordinance (LUO), is a “public works project” that is exempt from the Land Use Ordinance requirements to obtain a land use permit, construction permit, and grading permit.

The relevant South County Planning Area Standards state that “these standards apply to proposed development and new land uses as provided by Section 22.90.020 (Applicability)...” (22.112.010 South

County Planning Area Standards, Purpose and Applicability). Section 22.90.020 states that planning area standards “apply to all proposed development and new land uses” and that compliance with the standards “is required to enable a permit for a new use to be approved, and for a newly-constructed project to be used” (Section 22.90.020 Applicability).

As a “public works project,” no permit is required; therefore, the standards identified in the LUO, including Article 9 Planning Area Standards, do not apply. Although no land use permit, construction permit, or grading permits are required, as noted in the EIR, these standards and General Plan policies were assessed to determine land use consistency, as required by CEQA. As assessed in the Land Use section of the EIR, the project’s only potential inconsistency with the Land Use Ordinance is the 1,000-foot setback for amusement parks, which includes skate parks. No other potential inconsistencies with the LUO have been identified. Although not required for approval of this County project, an additional finding has been included in the revised resolution provided to the Board that provides for an adjustment to the traditional setback requirement.

General Plan

The project is consistent with the General Plan, as interpreted by the County. The project is consistent with goals and policies of the General Plan, because the Master Plan: does not inhibit development of other neighborhood parks and recreational facilities in the County, or Nipomo area specifically; provides additional multi-use trails within Nipomo Community Park ; includes aggressive water conservation measures; protects key identified open space areas including oak woodland and the Nipomo Native Garden; and, provides both passive and active recreational opportunities.

Parks and Recreation Element

As proposed, the community center is not located on a ridgeline and is not visible from the public roads surrounding the Nipomo Community Park. The structure would be close to the main park road, within the park. As discussed in the Aesthetic Resources section of the EIR, due to proximity and perspective, the community center structure would block views of the oak woodland ridgeline as seen from the main park road. Mitigation identified in the EIR states that the structure be moved 150 feet away from the main park road, which would maintain views of the oak ridgeline. This relocation would also allow for a visual background (the natural area and trees in the distance on the ridge) behind and above the structure. Therefore, the project would be consistent with Parks and Recreation Element Standard Mitigation Measures related to aesthetics. The facilities proposed by the Master Plan would support recreation in the community, including management and facilitation of activities within Nipomo Community Park.

RATING CRITERIA

The below table was included in an August 21, 2012 Board of Supervisors report. Nipomo Community Park Master Plan is ranked #4 out of 17 priority projects, based on the Parks and Recreation Element Rating Criteria.

Project Title	BOS District	Project Description	Rating Per PRE Criteria	Ranking
Bob Jones Pathway – SLO to Ontario Road	3	Multi-use class I pathway from Octagon Barn to Ontario Road- EIR in process- construction partially funded w/ PFF and Grants	33.3 (1)	1
Morro Bay to Cayucos Connector	2	Multi-use class I pathway and class III bike route between Morro Bay and Cayucos (California Coastal Trail)- in the permitting process, plans, specifications and estimates funded with grants, grant application submitted for construction	31.3 (2)	2
San Miguel Community Park Expansion	1	Expand park by removing K St. & expanding to adjacent parcel. Improvements include: new ball field; and repair of existing facilities - K St. mitigation partially grant funded, additional funding needed for improvements	31 (3)	3
Nipomo Community Park Master Plan	4	Master Plan adoption and EIR certification planned for 2012. PFF Funds allocated for playground replacement. Master plan improvements include: restrooms; picnic areas; sports; fields; trails; etc.- unfunded	30 (4)	4
Templeton to Atascadero Connector	1 & 5	Multi-use trail connecting Templeton and Atascadero- Design funded by grant, construction unfunded	29.3 (5)	5
Cave Landing Trail and Improvements	3	Multi-use trail connecting Pismo Beach to Avila Beach, parking lot improvements, and beach access to pirates cove- - in the permit process, construction fully grant funded	28 (6)	6
Avila to Harford Pier Pathway	3	Multi-use class I pathway between Avila Beach and Harford Pier (California Coastal Trail) -design and permits funded with grant funds, construction partially grant funded	27.7 (7)	7
Santa Margarita to Garden Farm Connector	5	Multi-use class I pathway connecting Santa Margarita and Garden Farm-easement to be donated, remaining phases unfunded	26 (8)	8
Salinas River Corridor AnzaTrail	1	Plan for multi-use trail funded with grant. Remaining phases, including construction, unfunded	25 (9)	9
Jack Ready Park	4	Assist Jack's Helping Hand with new park development for people with special needs. Improvements include: playground; parking; picnic areas; equestrian facilities; and trails - Jack's Helping Hand has funded park design and access improvements and is striving to raise funds for construction - partially funded	23.3 (10)	10
Biddle Park Master Plan	4	Master Plan adoption and environmental review completion planned for 2012. PFF funds allocated for playground replacement. Master plan improvements include: parking; restrooms; picnic areas; ball fields; playgrounds; trails; etc.- unfunded	23.3 (10)	10
Dana Adobe Park	4	Acquisition and development of a new park adjacent to the Dana Adobe, in Nipomo. Improvements include: community center; trails; picnic areas; playgrounds; and interpretive garden - unfunded	23 (12)	12
Norma Rose Park Development	2	New park in Cayucos. Improvements include: parking; playground; basketball court; skate park- partially funded with PFF	22 (13)	13
North Coast Coastal Trail	2	Plan for multi-use trail funded through grant. Remaining phases, including construction, unfunded	20 (14)	14
SLO Botanical Garden Improvements	2	Assist the SLO Botanical Garden with the improvements to the garden and facilities. Improvements include: paving; and amphitheater construction- PFF funded	19.7 (15)	15
San Juan Bautista De Anza Trail Property Acquisition in Edna	3	Acquisition of parcels that may become part of the multi-use class I pathway segment between Pismo Beach and San Luis Obispo - unfunded	17.7 (16)	16
Pismo Beach to Bob Jones Trail Connector	3	Multi-use class one pathway connecting Pismo Beach to Bob Jones trail - unfunded	11.3 (17)	17

GIFTS OF PUBLIC PROPERTY

The County is legally permitted to lease park land to an entity such as Nipomo Area Recreation Association (NARA) as long as the land/facility is used primarily for public recreation and enjoyment. It appears NARA is in compliance with the Use Permit by allowing the Lil Bits program to operate its program at the park. NARA has reported to the County that it is diligently working with its accountant and the Franchise Tax Board to reverse its suspension and that its exempt status remains intact during the process.