

4.11 Land Use and Planning

This section describes existing and proposed land uses within the Project site and the site vicinity, their consistency with applicable land use policies, and potential impacts that may result from conflicts with applicable land use policies. This section also describes the environmental setting, regulatory setting, identifies the applicable significance thresholds for impacts, assesses potential impacts of the Project, and recommends measures to mitigate any significant impacts, if applicable. The section also provides a discussion of cumulative impacts. Alternatives are discussed in Chapter 5.0, Alternatives.

As described in Chapter 2.0, Project Description, the Project would include the demolition of Refinery facility structures and soil remediation on the site followed by soil stabilization, surface re-hardening or revegetation of disturbed areas, with some minor long-term operations associated with ongoing remediation under existing permits.

4.11.1 Environmental Setting

The Phillips Santa Maria Refinery (SMR) has been a petroleum oil refinery since its construction in 1955. The SMR was previously linked to the San Francisco-area Rodeo Refinery by a 200-mile pipeline through which semi-refined liquid products were transferred north for upgrading into finished petroleum products. The SMR also produced solid petroleum coke that left the Refinery by rail or haul truck, and recovered solidified sulfur transported by haul truck.

4.11.1.1 Regional Setting

The Project site is located within an unincorporated area adjacent to the Callender-Garrett Village Reserve Line (VRL), which delineates an unincorporated community district immediately north of the site. The Project site is approximately 2.5 miles west of the community of Nipomo and 2.0 miles east of the Pacific Ocean coastline in the southern portion of San Luis Obispo County (County), and approximately 3.4 miles north of the San Luis Obispo County/Santa Barbara County border. The Project site is located within the Coastal Zone in the South County Coastal Planning Area of the County.

The South County Planning Area encompasses an area of approximately 98,910 acres (154 square miles) that extends from the urban boundaries of the “Five Cities” area (Cities of Arroyo Grande, Grover Beach, and Pismo Beach, and the unincorporated communities of Oceano and Shell Beach) on the north side, to the coastal range to the east, the Santa Maria River to the south, and the Pismo Dunes to the west (County 2018b). Diverse land uses occur within this planning area, including the urban and suburban development within the communities of Nipomo and surrounding unincorporated village areas, the rural and agricultural use of the foothill and Nipomo Mesa areas, and scenic and natural characteristics of the coastal ridges and Pismo Dunes.

Agriculture has historically been, and still is, the most widespread land use in the South County Planning Area. Agricultural practices of varying degrees of intensity involve over two-thirds of

4.11 Land Use and Planning

the Planning Area. Land within the Rural Lands, Recreation, Open Space designations constitute the second, third, and fourth most common land use designations in the area, followed by Residential Rural, Residential Single-Family, and Residential Multi-Family land use designations. Industrial land uses constitute roughly two percent of the total land area of the South County Planning Area, with the largest industrial use in the area consisting of the SMR property and areas directly north of this site within the Callender-Garrett VRL (County 2018b).

The Project site is located east of the Oceano Dunes State Vehicular Recreation Area (ODSVRA), and northeast of the Oso Flaco Day Use Area and Oso Flaco Lake Trail. The Nipomo Bluff Trail terminates approximately 0.6 mile east of the SMR, and the Juan Batista de Anza National Historic Trail follows State Route 1 through the area. Numerous public and/or private recreational facilities are located within or near the adjacent Woodlands Village Reserve (Monarch Dunes) development, including pedestrian and equestrian trails, golf courses, monarch butterfly habitat, public sidewalks, pocket parks and green spaces. The nearest vertical coastal access points are located approximately 3.6 miles to the north (pedestrian and vehicle) and 0.74 mile south (pedestrian only).

4.11.1.2 Project Site Setting

The Project is on a portion of the Phillips 66 SMR property located at 2555 Willow Road, Arroyo Grande, California. Existing Refinery operations currently occupy approximately 218 acres within the following two adjoining parcels: Assessor's Parcel Number (APN) 092-401-011 and APN 092-401-005. These parcels containing the Project site are within the County Industrial (IND) land use designation. The Union Pacific Railroad (UPRR) bisects the property along the western edge of the SMR site and serves the facility via two rail spurs. Phillips 66 owns several contiguous parcels, and the combined properties comprise approximately 1,642 acres. The contiguous properties under Phillips 66 ownership are undeveloped and vacant; the parcels west of the UPRR right-of-way (ROW) are in Open Space (OS) while the properties east of the UPRR the land use is Industrial (IND). The Project site and surrounding Phillips-owned property is within the Coastal Zone and is subject to the County's Local Coastal Program, including the Coastal Policies, the South County Coastal Area Plan, and Coastal Zone Land Use Ordinance (CZLUO) (Title 23).

The Project site is currently developed with existing SMR facilities, including administration and workshop buildings, petroleum storage tanks, processing equipment and tall vertical elements including stacks and a flare, as described in detail in Chapter 2.0, Project Description. The Project area is located in the Industrial (IND) land use designation. Surrounding land use designations outside the Phillips-owned property include Residential Suburban (RS) and Industrial (IND) to the north, Industrial (IND) to the east, Open Space (OS) to the west, Agriculture (AG) to the southwest, and Agriculture (AG) to the south and southeast. Land uses surrounding the property include golf course and residential development to the northeast, the ODSVRA to the west, and agricultural cropland to the south. Several commercial and light industrial uses such as auto-dismantlers and storage yards are found immediately north of the property. Surrounding land uses are shown in Figure 4.11-1 and summarized in Table 4.11.1, below.

Table 4.11.1 Summary of Project Site Land Use and Surrounding Land Uses

Location	County Land Use Designation(s)	Existing Land Uses
Project site	Industrial	Santa Maria Refinery facilities, pipelines, roads
North of Project site	Industrial, Residential Suburban	Willow Road (SR 1), automobile repair shops, recreational vehicle (RV) storage lots, CAL FIRE Station 22, single-family residences
East of Project site	Industrial, Agriculture	Undeveloped land under P66 ownership, agricultural cultivation
South of Project site	Agriculture	Agricultural cultivation, undeveloped land under P66 ownership
West of Project site	Open Space	Undeveloped land under P66 ownership

Note: P66 = Phillips 66 Company

Source: County 2023

A summary of allowable land uses associated with local County land use designations is provided in Table 4.11.2, below.

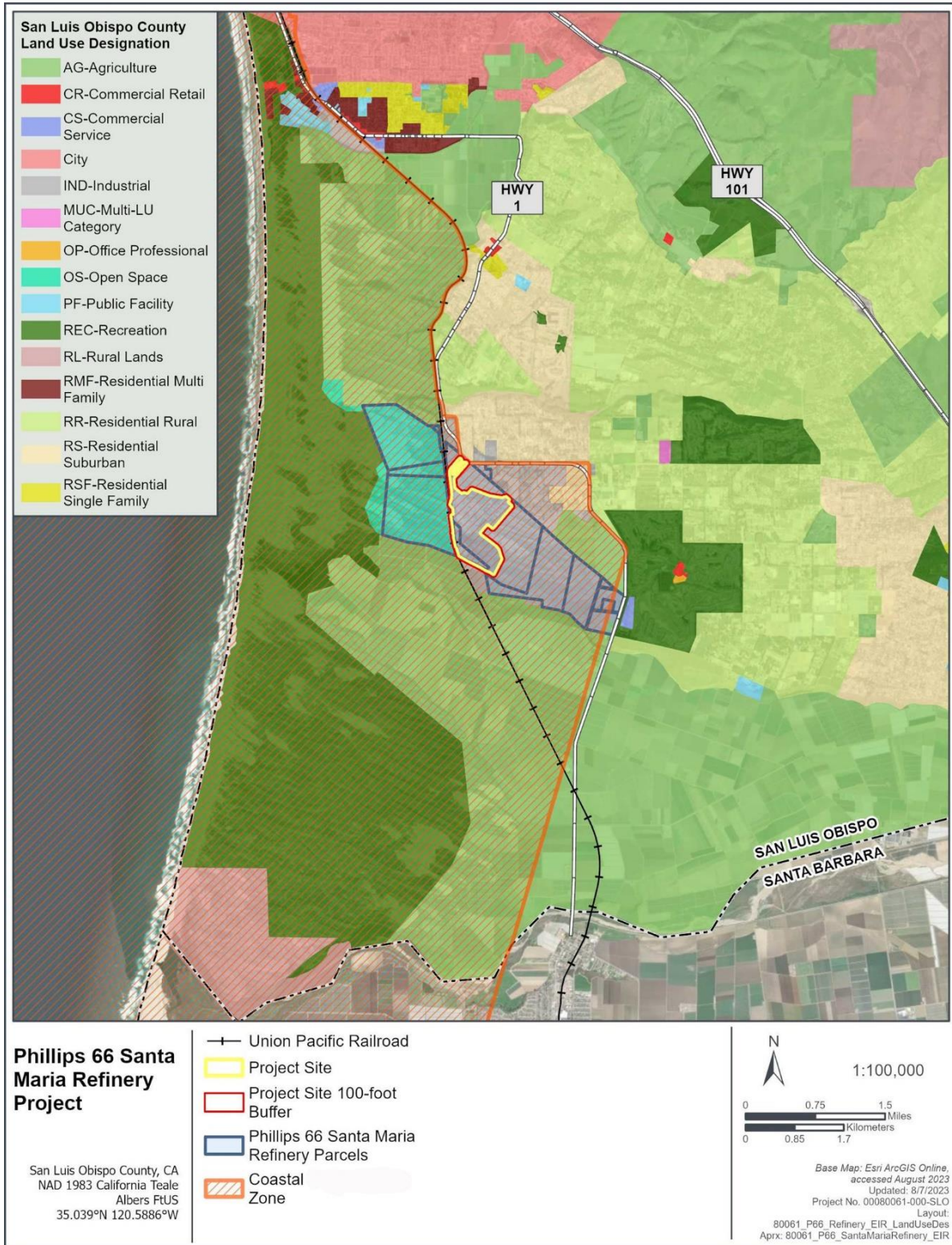
Table 4.11.2 County Land Use Designations within the Project Vicinity and Allowable Uses

Land Use Designation	Examples of Potential Allowable Uses
Agriculture (AG)	Crop production and grazing, agricultural processing facilities, single-family dwellings, accessory dwellings, mobile homes, agricultural accessory structures, agricultural worker housing, forestry, animal keeping, cannabis activities, nursery specialties, industrial hemp cultivation, kennels, energy-generating facilities
Commercial Service (CS)	General retail, grocery stores, restaurants, food and beverage products, furniture and fixture products, cabinet shops, metal industries (fabricated), fuel dealers, small-scale manufacturing, warehousing, vehicle/mobile home dealers, agricultural processing facilities, agricultural accessory structures, veterinary medical facilities, kennels, animal keeping, cannabis activities, nursery specialties, crop production and grazing, energy-generating facilities
Industrial (IND)	Agricultural processing facilities, crop production and grazing, broadcasting studios, coastal accessways, passive recreation, apparel products manufacturing, machinery manufacturing, paper products manufacturing, laundry and dry-cleaning facilities, public safety facilities
Open Space (OS)	Crop production and grazing, Coastal accessways, passive recreation
Residential Suburban (RS)	Single-family dwellings, accessory dwellings, mobile homes, agricultural accessory structures, kennels, animal keeping, cannabis activities, nursery specialties, crop production and grazing, forestry, energy-generating facilities

Source: County 2018a

4.11 Land Use and Planning

Figure 4.11-1 Surrounding Land Use Designations



Source: County 2023

4.11.2 Regulatory Setting

4.11.2.1 Federal Regulations

Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) was passed in 1972 and outlines the management of the nation's coastal resources including the Great Lakes. Its goal is to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." The CZMA is administered by the National Oceanic and Atmospheric Administration (NOAA) and outlines three national programs: the National Coastal Zone Management Program, the National Estuarine Research Reserve System, and the Coastal and Estuarine Conservation Program.

4.11.2.2 State Regulations

California Coastal Act of 1976

The California Coastal Act of 1976 mandates that local governments prepare a land use plan and schedule of implementing actions to carry out the policies of the California Coastal Act. The California Coastal Act guides how land along the coast of California is developed, or protected from development and identifies maintaining public access to the coast as a top priority, as well as preservation of sensitive coastal and marine habitat and biodiversity. The California Coastal Act defines the area of the coast that falls under the jurisdiction of the California Coastal Commission, which is called the Coastal Zone. The Coastal Zone extends seaward to the state's outer limit of jurisdiction (three miles) and generally extends inland 1,000 yards from the mean high tide line of the sea, but it is wider in areas with significant estuarine, habitat, and recreational values, and narrower in developed urban areas.

For a detailed discussion of the Project's coastal access requirements, see Section 4.14, Recreation and Coastal Access.

California State Lands Commission

Established in 1938, the California State Lands Commission (CSLC) manages four million acres of ungranted tidelands, submerged lands, and the beds of natural navigable lakes and waterways. These lands, often referred to as sovereign or Public Trust lands, stretch from the Klamath River and Goose Lake in the north to the Tijuana Estuary in the south, and the Colorado River in the east, and from the Pacific coast three miles offshore in the west to Lake Tahoe in the east and includes California's two longest rivers, the Sacramento River and the San Joaquin River. The State Lands Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine. The CSLC also has a lease and oversight of the existing wastewater outfall pipeline utilized by the SMR, which originates at the SMR wastewater processing plant and runs west for two miles beyond the SMR property through the Oceano dunes, terminating at a seafloor diffuser located 0.5 mile offshore.

4.11.2.3 Local Regulations

County of San Luis Obispo General Plan

Land Use Element, Framework for Planning - Coastal Zone

The County has adopted a Land Use Element (LUE) and Land Use Ordinance (LUO) system that sets forth the general plan zoning designations and districts. The County Framework for Planning serves as the LUE for the County in inland areas; a separate Coastal Zone Framework for Planning (County 2018a) applies within the Coastal Zone. The LUE is a plan describing the official County policy on the location of land uses and their orderly growth and development. The LUE coordinates policies and programs in other County General Plan elements that affect land use and provides policies and standards for management of growth and development in each unincorporated community and the rural areas of the County. In addition, the LUE serves as a reference point and guide for future land use planning studies throughout the County.

The LUE also incorporates the Land Use Plan portion of the County's Local Coastal Program (LCP), which has been certified by the California Coastal Commission. The Land Use Plan is the Land Use Element for the Coastal Zone, which is the area subject to the California Coastal Act of 1976. The Land Use Plan, together with the CZLUO and related maps, comprise the County's LCP.

South County Area Plan (Coastal)

The County Area Plans are included as Part II of the Framework for Planning/Land Use Element and provide more guidance detail for each sub-area of the County (County 2018b). The South County Area Plan (Coastal), which applies to the Phillips 66 property, refines the general land use policies of the Framework for Planning (Coastal) and serves as a guide for future development within the South County Coastal Planning Area. The South County Area Plan identifies where land use categories are applied within the planning area and establishes policies and programs for land use, circulation, public facilities, services, and resources that apply areawide, in rural areas, and/or unincorporated urban areas adjacent to cities.

Noise Element

The County General Plan Noise Element provides a policy framework for addressing potential noise impacts in the planning process (County 1992). The purpose of the Noise Element is to minimize future noise conflicts. The Noise Element identifies the major noise sources in the County (highways and freeways, primary arterial roadways and major local streets, railroad operations, aircraft and airport operations, local industrial facilities, and other stationary sources) and includes goals, policies, and implementation programs to reduce future noise impacts. Among the most significant policies of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses, and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

Safety Element

The two primary principles of the County's Safety Element are emergency preparedness and managed development to reduce risk (County 1999). 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 the avoidance of unnecessary risk. The

Safety Element includes mapping of hazardous areas, including areas prone to liquefaction, landslides, fault hazards, flood hazards, and dam inundation.

Parks and Recreation Element

The County's Parks and Recreation Element establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing, and the development of new parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the County (County 2006).

Agriculture Element

The County's Agriculture Element protects agricultural resources within the County by creating policies for promotion of the agricultural industry and preservation of open space within agricultural lands (County 2010a). The goals, policies, and implementation measures of this Agriculture Element address the protection of agricultural resources as well as the protection of open space resources on lands zoned for Agriculture (AG) and on other lands used for production agriculture.

Conservation and Open Space Element

The Conservation and Open Space Element (COSE) consists of a policy and program document and a technical appendix. The COSE policy and program document includes separate chapters to address air quality, biological resources, cultural resources, energy, mineral resources, open space, visual resources, and water resources (County 2010b). The technical appendix includes the County's first baseline greenhouse gas (GHG) emissions inventory. The COSE is based on the principles of strategic growth, with the intent to preserve unique or valuable natural resources, to manage development within the sustainable capacity of the County's resources, and to reduce the County's contribution to global climate change.

Housing Element

The County's Housing Element establishes the framework to facilitate housing development and address current and projected housing needs, provides an assessment of housing needs for the unincorporated county, and provides a summary of the County's progress in implementing the programs from the previous housing element (County 2020). The County's Housing Element identifies goals, objectives, policies, and programs to guide the County decision making and focused efforts during the planning period.

2023 Regional Transportation Plan/Sustainable Communities Strategy

San Luis Obispo Council of Governments (SLOCOG) is an association of local governments comprised of seven incorporated cities (Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, and San Luis Obispo) and the County. SLOCOG's responsibilities include long-range regional transportation planning and funding for the region, preparation of the Regional Housing Needs Allocation (RHNA) report, and preparation of the Sustainable Communities Strategy (SCS) as part of the Regional Transportation Policy (RTP).

The 2023 RTP was adopted by the SLOCOG Board in June 2023. The RTP provides a collective vision for the region's future balancing transportation and housing needs with social, economic, and environmental goals. The RTP also includes the region's SCS, which outlines how the region will meet or exceed its GHG reduction targets as required by Senate Bill (SB) 375 through the

4.11 Land Use and Planning

promotion of a variety of transportation demand management & system management tools and techniques to maximize the efficiency of the transportation network. Consistency with the requirement of SB 375 ensures consistency with the GHG-reduction targets set by CARB. The 2023 SCS was found to be consistent with the requirement of SB 375 and is also consistent with the general plans of the region's jurisdictions (SLOCOG 2023).

County of San Luis Obispo Coastal Zone Land Use Ordinance

The CZLUO constitutes Title 23 of the San Luis Obispo County Code. The CZLUO was established to guide and manage the future growth in the coastal zone of the County in accordance with the General Plan, to regulate land use in a manner that will encourage and support orderly development and beneficial use of lands, to minimize adverse effects on the public resulting from inappropriate creation, location, use, or design of buildings or land uses, and to protect and enhance significant natural, historic, archaeological, and scenic resources within the coastal zone of the County. The CZLUO is the primary tool used by the County to carry out the goals, objectives, and policies of the General Plan for land use and planning decisions within the coastal zone.

County of San Luis Obispo Coastal Plan Policies

The County Local Coastal Plan Policy Document is part of the County's LCP and LUE (County 2007). Many of the policies include programs and standards, some of which have been implemented in the CZLUO and planning area standards. The LUE is the coordinating mechanism for incorporating the policies of this document that have land use implications. In addition to amended portions of the LUE and the CZLUO, this document states the policy commitment of the County to implement the mandates of the Coastal Act. The document includes policies related to shoreline access, recreation and visitor-serving facilities, coastal watershed, visual and scenic resources, hazards, and air quality, among others.

San Luis Obispo County Multi-Jurisdictional Hazard Mitigation Plan

The County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) has a goal of providing practical, meaningful, attainable, and cost-effective mitigation solutions to reduce vulnerability to the identified hazards and ultimately reduce both human and financial losses from hazard events (County 2019).

4.11.3 Thresholds of Significance

The determinations of significance of Project impacts are based on applicable policies, regulations, goals, and guidelines defined by the California Environmental Quality Act (CEQA) and the County. Specifically, the Project would be considered to have a significant effect on land use and planning if the effects exceed the significance criteria described below:

Would the Project:

- a. Physically divide an established community; or
- b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Each of these thresholds is discussed under Section 4.11.5, Project-Specific Impacts and Mitigation Measures, below.

4.11.4 Impact Assessment Methodology

Sources utilized in the assessment of land use and planning impacts include the County General Plan, CZLUO, SLOCOG 2023 Regional Transportation Plan/Sustainable Communities Strategy, and the County MJHMP.

The Project’s potential consistency with relevant plans and policies is evaluated in Table 4.11.3, Consistency with Plans and Policies. Only Project elements that have the potential to conflict with an applicable goal, policy, or program are evaluated further in this section. Based on CEQA, inconsistency with an adopted policy does not constitute an impact unless it may cause either a direct or indirect physical change in the environment, or a reasonably foreseeable physical change in the environment (Public Resources Code Section 21065). Therefore, the analysis provided in this section focuses on the goals, plans, policies, and programs that the Project may be inconsistent with and the physical impacts on the environment that may result from those inconsistencies.

Some potential environmental impacts discussed in other sections of this Environmental Impact Report (EIR) are based upon consistency with local County plans and/or policies. For example, Section 4.12, Noise, includes an assessment of the Project’s consistency with the noise standards identified in the Noise Element of the County’s General Plan and CZLUO. Similarly, Section 4.3, Air Quality, and Section 4.8, Greenhouse Gas Emissions, include an evaluation of impacts associated with these resource areas as it relates to applicable San Luis Obispo County Air Pollution Control District (SLOCAPCD) air quality standards. Therefore, there may be instances where an inconsistency with these plans and policies is identified that could result in adverse physical effects on the environment, but those effects have already been discussed as a potentially significant impact in other sections of this EIR (i.e., an exceedance of the noise thresholds identified in the Noise Element would be considered a potentially significant impact in the Noise section of the EIR). In those instances, this section will refer to the discussion in the individual resource section, rather than discuss the potential for an additional significant impact under a land use threshold, based on the same adverse environmental effect.

4.11.5 Project-Specific Impacts and Mitigation Measures

Impact #	Impact Description	Residual Impact
LUP.1	Threshold a): Would the Project physically divide an established community?	Class III

The Project would not result in the removal or blockage of any existing public roadways or other travel patterns and would not otherwise include any features that would physically divide an established community. The Project site is located between existing unincorporated communities and the ODSVRA and the Project would not remove or alter the existing offer of dedication for vertical access from State Route 1 to the western property line of the Phillips 66 property.

4.11 Land Use and Planning

Therefore, the Project would not physically divide an established community, and potential impacts would be **less than significant (Class III)**.

Impact #	Impact Description	Residual Impact
LUP.2	Threshold b): SHORT-TERM PARTICULATE: Would the Project cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Class I

CEQA Guidelines §15125(d) requires an EIR to discuss any inconsistencies between the Project and applicable general plans, specific plans, and regional plans. While CEQA requires a discussion of consistency with public plans, inconsistency does not necessarily lead to a significant impact. Inconsistency with public plans creates significant impacts under CEQA only when an adverse physical effect on the environment would result from the inconsistency. The key plans and policies applicable to the project are described in Section 4.11.2, above. It is the responsibility of the County, the lead CEQA decision maker, to make the final determination regarding consistency issues as it relates to applicable County of San Luis Obispo policies. Table 4.11.3 provides an evaluation of the Project's consistency with relevant goals, policies, regulations, and implementation measures set out in these County of San Luis Obispo plans.

As indicated in the table, the Project construction activities (short-term) would be consistent with all policies with the possible exception of the General Plan Conservation Element Policy AQ 3.3, which requires avoiding air pollution increases:

Avoid a net increase in criteria air pollutant emissions in planning areas certified as Level of Severity II or III for Air Quality by the County's Resource Management System (RMS).

As discussed in Section 4.3, Air Quality, the Nipomo Mesa has long suffered exceptionally poor air quality primarily due to particulate matter and fugitive dust. The construction phase of the Project would increase fugitive dust and particulate emissions above the historical levels. The inconsistency listed above would potentially exacerbate an already poor air quality situation on the Mesa on a short-term basis and could lead to additional temporary exceedances of standards and result in degradation of health effects associated with increased fugitive dust and particulates. While the emissions of fugitive dust and particulates on the Mesa are below the SLOCAPCD thresholds (see Section 4.3, Air Quality), the exceptionally poor air quality of the area and the associated relatively small increase in fugitive dust and particulate emissions associated with the construction phase of the Project could result in short-term significant impacts.

As the Project would increase the short-term emissions of fugitive dust and particulates on the Nipomo Mesa designated as a Level of Severity III, this would be inconsistent with General Plan Conservation Element Policy AQ 3.3 and produce significant and unavoidable impacts.

Mitigation Measures

See mitigation measure AQ.1-1 and AQ.3-1.

Residual Impacts

Although mitigation measure AQ.1-1 and AQ.3-1 would substantially reduce fugitive dust and particulate emissions associated with the Project and would require fugitive dust monitoring of the air quality in coordination with the SLOCAPCD, emissions of fugitive dust and particulates would still be generated in an area designated as Level of Severity III (Nipomo Mesa). The effectiveness of the fugitive dust monitoring would most likely result in protection of the area from additional exceedances of the standards and degradation of health effects. However, the monitoring activities have not been implemented and their effectiveness is not known. Therefore, due to the highly sensitive nature of the Nipomo Dunes to particulate impacts (see Section 4.3, Air Quality), this would constitute a short-term **significant and unavoidable impact (Class I)**.

Impact #	Impact Description	Residual Impact
LUP.3	Threshold b): LONG-TERM DUST: Would the Project cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Class IV

As discussed above, increases in short-term particulate emission on the Mesa could be a significant impact. However, once Project demolition and remediation and site disturbance is reduced as the construction activities are completed, the particulate emissions long-term would be reduced to below those associated with the historical SMR operations. This long-term reduction in particulate emissions on the mesa would be a **beneficial impact (Class IV)**.

Impact #	Impact Description	Residual Impact
LUP.4	Threshold b): OTHER: Would the Project cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Class III

Section 4.14, Recreation and Coastal Access, discusses coastal access, including the County's requirements for establishing new coastal access, described in detail in Section 4.14.2, Regulatory Setting. The SMR site and property lies west of the first public road (State Highway 1) but does not extend to the shoreline and does not obstruct public access to the shoreline. The Phillips 66 property abuts the ODSVRA property line approximately one to 1.5-miles inland from the shore. West of the Phillips 66 property, the public currently has full access to the coastal shoreline from Pismo Dunes to the north to Oso Flaco Lake to the south. The Project does not impede, modify, or otherwise impact the existing coastal public access.

An Irrevocable Offer to Dedicate (OTD) Vertical Public Access Easement was required to be provided under a prior permit (Throughput Increase, (DRC2008-00146 approved 2/26/2013); the 21-year Offer was recorded on April 15, 2015, and is valid until 2036, after which time the offer can be revoked. The OTD, which encumbers a private service road used by Phillips 66 to inspect the wastewater outfall pipeline, is in two segments bisected by the UPRR fee-owned land. ~~The OTD will expire unless accepted; acceptance is contingent on the Applicant or their successor-in-interest meeting all of the condition requirements to construct the coastal access by April 2036.~~

4.11 Land Use and Planning

A different permit application, DRC2012-00095 (Rail Spur Extension), which was submitted in 2013, was evaluated under a separate EIR which included a detailed assessment of the potential alignment for coastal access over the Phillips 66 property. The provision of public access from State Route 1 through the Phillips 66 property would ~~likely~~ require construction of an over- or under-pass across the UPRR ROW, as UPRR's policies strongly discourage new at-grade public crossings (See Section 4.14.1.3 Recreation and Coastal Access, Project Site Coastal Access Background). The Rail Spur Extension Project proposed a significant expansion of the facility which was appealed and ultimately denied by the Board of Supervisors in March of 2017; the FEIR initially circulated in December of 2015 and was never certified.

Phillips 66 pursued compliance with required conditions of approval to implement the Throughput Increase Project, including recording the OTD public access under Condition 17, but withdrew and abandoned the project in January of 2021 in anticipation of the pending Refinery shutdown. The OTD is "irrevocable" for the 21-year term but will become revocable after that time. expire unless accepted by April 15, 2036.

San Luis Obispo County Local Coastal Program Standards, Shoreline Access Policy 2 – New Development states, in relevant part:

Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development. Exceptions may occur where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby, or; (3) agriculture would be adversely affected. Such access can be lateral and/or vertical. Lateral access is defined as those accessways that provide for public access and use along the shoreline. Vertical access is defined as those accessways which extend to the shore, or perpendicular to the shore in order to provide access from the first public road to the shoreline.

This current application to demolish and remediate the Refinery site is considered development ~~Project~~ under the Coastal Act, and provision of coastal access is required to be evaluated. As described in Section 4.14.1.3, the Rail Spur Extension Project EIR concluded that until California State Parks resolves long-standing issues associated with access and staging for the ODSVRA, the most appropriate type and location of future coastal access on the SMR site, and connection to the ODSVRA property, is uncertain. With no direct shoreline, the Phillips 66 property does not currently prevent or impede public access to the coast, and the Project is demolition and remediation of a facility rather than an intensification of use or a new use. The Project would result in removal of structures and ultimately in a significant reduction of activity. It also does not include any new permanent development or improvements. Impacts associated with the Project do not generate a sufficient nexus and are not proportional to the costs to construct vertical trail access, particularly in light of the bisecting railroad ROW which requires design and construction of an under- or over-pass to create such access. In addition, the point of connection to the ODSVRA to the west is dependent on the State's plans for that portion of the ODSVRA Park such that planning and coordination is required. Although demolition is defined as "new development" and subject to this policy, the policy consistency is not a CEQA issue as there is no direct environmental impact under CEQA.

Coastal access would likely be a requirement of any future development that would increase activity at the site. The current Irrevocable OTD, an easement for public access, serves as a placeholder for future development of the site. However, given that the Project’s ongoing remediation activities may extend for longer than anticipated or the Project may not be redeveloped for many years, the OTD could become revocable before a future use is proposed~~expire on April 15, 2036~~. Therefore, Staff will recommend a Project condition of approval, to be included as part of the findings and conditions for consideration by the decision makers, requiring that the current irrevocable OTD be extended in perpetuity to ensure that any future use of the site could~~will~~ provide the required vertical access and record an easement. ~~Conditions of Approval for the Project’s Development Plan/Coastal Development Permit will be presented to the County Planning Commission for consideration along with certification of the Final EIR.~~ The permit condition requiring the existing OTD be amended to remove the expiration and run with the land in perpetuity would address compliance with the California Coastal Act, Local Coastal Plan, and Title 23 requirements for coastal access for the Project.

Although the Project is subject to this policy by definition, the policy consistency is not a CEQA issue as there is no direct environmental impact under CEQA. Extending the OTD in perpetuity as a condition of Project approval ensures that future development would provide vertical access with any proposed intensification of use.

Policy Consistency Analysis

Table 4.11.3 provides a comprehensive list of applicable plans and policies pertaining specifically to land use and planning that were adopted for the purpose of avoiding or mitigating an environmental effect, and also includes a preliminary evaluation of the Project’s consistency with the guidelines and requirements.

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
County of San Luis Obispo General Plan – Noise Element		
<i>Goal 1:</i> To protect the residents of San Luis Obispo County from the harmful and annoying effects of exposure to excessive noise.	Ensure noise levels are acceptable	With mitigation, the noise levels are determined to be acceptable. See Section 4.12, Noise. Therefore, the Project would be consistent with the goal.
<i>Goal 2:</i> To protect the economic base of San Luis Obispo County by preventing incompatible land uses from encroaching upon existing or planned noise-producing uses.	Ensure noise levels are acceptable	With mitigation, the noise levels are determined to be acceptable. See Section 4.12, Noise. Therefore, the Project would be consistent with the goal.
<i>Goal 3:</i> To preserve the tranquility of residential areas by preventing the encroachment of noise-producing uses.	Ensure noise levels are acceptable	With mitigation, the noise levels are determined to be acceptable. See Section 4.12, Noise. Therefore, the Project would be consistent with the goal.

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<i>Policy 3.3.1:</i> The noise standards in this chapter represent maximum acceptable noise levels. New development should minimize noise exposure and noise generation.	Ensure noise levels are acceptable	With mitigation, the noise levels are determined to be acceptable. See Section 4.12, Noise. Therefore, the Project would be consistent with the goal.
<i>Policy 3.3.2:</i> New development of noise-sensitive land uses (see Section 1.5 – Definitions) shall not be permitted in areas exposed to existing or projected future levels of noise from transportation noise sources which exceed 60 dB LDN or CNEL (70 LDN or CNEL for outdoor sports and recreation) unless the project design includes effective mitigation measures to reduce noise in outdoor activity areas and interior spaced to or below the levels specified for the given land use in Table 3-1.	Ensure noise levels are acceptable	With mitigation, the noise levels are determined to be acceptable. See Section 4.12, Noise. Therefore, the Project would be consistent with the goal.
<i>Policy 3.3.3:</i> Noise created by new transportation noise sources, including roadway improvement projects, shall be mitigated so as not to exceed the levels specified in Table 3-1 within the outdoor activity areas are interior spaces of existing noise sensitive land uses.	Ensure noise levels are acceptable	With mitigation, the noise levels are determined to be acceptable. See Section 4.12, Noise. Therefore, the Project would be consistent with the goal.
<i>Policy 3.3.4:</i> New development of noise-sensitive land uses shall not be permitted where the noise level due to existing stationary noise sources will exceed the noise level standards of Table 3-2, unless effective noise mitigation measures have been incorporated into the design of the development to reduce noise exposure to or below the levels specified in Table 3-2.	Ensure noise levels are acceptable	With mitigation, the noise levels are determined to be acceptable. See Section 4.12, Noise. Therefore, the Project would be consistent with the goal.
<i>Policy 3.3.5:</i> Noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated as follows and shall be the responsibility of the developer of the stationary noise source: <ul style="list-style-type: none"> • Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose an existing noise-sensitive land use (which is listed in the 	Ensure noise levels are acceptable	With mitigation, the noise levels are determined to be acceptable. See Section 4.12, Noise. Therefore, the Project would be consistent with the goal.

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p>Land Use element as an allowable use within its existing land use category) to noise levels which exceed the standards in Table 3-2. When the affected noise-sensitive land use is Outdoor Sports and Recreation, the noise level standards in Table 3-2 shall be increased by 10 Db.</p> <ul style="list-style-type: none"> Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose vacant land in the Agriculture, Rural Lands, Residential rural, Residential Suburban, Residential Single-Family, Residential Multi-Family, Recreation, Office and Professional, and Commercial Retail land use categories to noise levels which exceed the standards in Table 3-2. For new proposed resource extraction, manufacturing or processing noise sources or modifications to those sources which increase noise levels: where such noise sources will expose existing noise-sensitive land uses (which are listed in the Land Use Element as allowable uses within their land use categories) to noise levels which exceed the standards in Table 3-2, best available control technologies shall be used to minimize noise levels. The noise levels shall in no case exceed the noise level standards in Table 3-2. 		
<p>Policy 3.3.6: San Luis Obispo County shall consider implementing mitigation measures where existing noise levels produce significant noise impacts to noise-sensitive land uses or where new development may result in cumulative increases of noise upon noise-sensitive land uses.</p>	<p>Ensure noise levels are acceptable</p>	<p>With mitigation, the noise levels are determined to be acceptable. See Section 4.12, Noise. Therefore, the Project would be consistent with the goal.</p>
<p>Goal 5: To avoid or reduce noise impacts through site planning and project design, giving second preference to the use of noise barriers and/or structural modifications to</p>	<p>Ensure noise levels are acceptable</p>	<p>With mitigation, the noise levels are determined to be acceptable. See Section 4.12, Noise. Therefore, the Project would be consistent with the goal.</p>

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
buildings containing noise-sensitive land uses.		
County of San Luis Obispo General Plan – Safety Element		
<i>Goal S-1:</i> Attain a high level of emergency preparedness.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.
<i>Policy S-1 Response:</i> Support the response programs that provide emergency and other services to the public when a disaster occurs. The focus of response activities is saving lives and preventing injury, and reducing immediate property damage.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.
<i>Policy S-2 Emergency Preparedness:</i> Continue to improve preparedness programs that educate and organize people to respond appropriately to disasters. They include education and awareness programs for individuals, families, institutions, businesses, government agencies and other organizations.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.
<i>Policy S-3 Coordination:</i> Improve coordination among City, County and State programs, and among others working to reduce the risks of disasters. This should also include improved coordination with the news media. This will result in more effective preparedness, response and recovery from disasters.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.
<i>Policy S-5 Risk Assessment:</i> Continue investigations that reduce or eliminate long-term risks. Risk assessment activities, effectively carried out, can improve the efficiency and reduce the cost of response and recovery from disasters.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.
<i>Goal S-4:</i> Reduce the threat to life, structures and the environment caused by fire.	Reduce the potential for adverse effects of fires.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials and Section 4.16, Wildfire. Therefore, the Project would be consistent with the goal.

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
Policy S-14 Facilities, Equipment and Personnel: Ensure that adequate facilities, equipment and personnel are available to meet the demands of fire fighting in San Luis Obispo County based on the level of service set forth in the fire agency's master plan.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.
Policy S-15 Readiness and Response: The CDF/County Fire Department will maintain and improve its ability to respond and suppress fires throughout the County.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.
Policy S-16 Loss Prevention: Improve structures and other values at risk to reduce the impact of fire. Regulations should be developed to improve the defensible area surrounding habitation.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.
Goal S-5: Minimize the potential for loss of life and property resulting from geologic and seismic hazards.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials and Section 4.7, Geology and Soils. Therefore, the Project would be consistent with the goal.
Policy S-19 Reduce Seismic Hazards: The County will enforce applicable building codes relating to the seismic design of structures to reduce the potential for loss of life and reduce the amount of property damage.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazardous Materials and Section 4.7, Geology and Soils. Therefore, the Project would be consistent with the goal.
Policy S-20 Liquefaction and Seismic Settlement: The County will require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the currently adopted Uniform Building Code (UBC).	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials and Section 4.7, Geology and Soils. Therefore, the Project would be consistent with the goal.
Goal S-6: Reduce the potential for harm to individuals and damage to the environment from aircraft hazards, radiation hazards, hazardous materials, electromagnetic fields, radon, and hazardous trees.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.
Policy S-26 Hazardous Materials: Reduce the potential for exposure to humans and the environment by hazardous substances.	Reduce the potential for adverse effects of emergencies.	The Project would not have an effect on emergency services. See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
County of San Luis Obispo General Plan – Parks and Recreation Element		
<i>Objective E:</i> Provide a viable coastal access program through the County’s coastal Area Plans and the Local Coastal Program.	Provide coastal access	The Project would result in the removal of existing industrial facilities. <u>It does not include any new permanent development or improvements.</u> While this could enable a future project to provide public coastal access, this Project has no direct impact under CEQA to Coastal Access. <u>Phillips 66</u> was required to provide the County an Irrevocable Offer to Dedicate Vertical Public Access Easement, valid until April 15, 2036, <u>at which time it becomes revocable.</u> It was required to be consistent with this policy under a previous permit. The OTD will be extended in perpetuity as a condition of approval. Therefore, the Project would be consistent with the goal.
<i>Policy 4.1:</i> Continue to provide and maintain viewing areas, viewing platforms, vertical access, and lateral access along the County’s beaches consistent with the County’s coastal Area Plans and Local Coastal Program. Use joint use opportunities and adopt-an-access programs as they are available.	Maintain coastal access and recreational opportunities.	P66 was required to provide the County an Irrevocable Offer to Dedicate Vertical Public Access Easement, valid until April 15, 2036, to be consistent with this policy under a previous permit. The OTD will be required to be extended in perpetuity as a condition of approval for this project to ensure that any future development would be consistent with this policy. Therefore, the Project would be consistent with the goal.
<i>Objective F:</i> Provide natural areas consistent with Chapter 8 Parks and Recreation Project List, and/or the County’s Agriculture and Open Space Element.	Provide open space	Demolition and removal of industrial facilities would serve to improve natural surrounding areas consistent with this policy. Therefore, the Project would be consistent with the goal.
<i>Policy 4.2:</i> When acquiring a natural area or considering the acceptance of a donation give first priority to sites that meet a majority of the following criteria: 1. Provide significant or locally important resource protection. 2. Would add important acreage to an existing County park or natural area.	Provide natural areas and recreational opportunities.	The site is not currently available as a natural area; however, demolition and remediating the area could result in future uses consistent with this policy. Therefore, the Project would be consistent with the goal.

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<ol style="list-style-type: none"> 3. Would allow for meaningful passive recreation, nature appreciation, and public education. 4. Would be better managed by the County than another entity due to its location or other factors. For small areas within a private subdivision, a homeowner’s association or similar entity should own and maintain areas set aside as mitigation. 5. Include a reasonable endowment fund or other funding mechanism/approaches for maintenance. 6. The site can be adequately protected and restored by the County or another organization or partnership. 		
County of San Luis Obispo General Plan – Agriculture Element		
<p>Goal AG2: Conserve Agricultural Resources.</p> <ol style="list-style-type: none"> a. Maintain the agricultural land base of the county by clearly defining and identifying productive agricultural lands for long-term protection. b. Conserve the soil and water that are the vital components necessary for a successful agricultural industry in this county. 	Conserve Agricultural Resources	Impacts would be less than significant. See Section 4.2, Agricultural Resources. Therefore, the Project would be consistent with the goal.
<p>Goal AG3: Protect Agricultural Lands.</p> <ol style="list-style-type: none"> b. Maintain and protect agricultural lands from inappropriate conversion to non-agricultural uses. Establish criteria in this element and corresponding changes in the Land Use Element and Land Use Ordinance for when it is appropriate to convert land from agricultural to non-agricultural designations. 	Protect Agricultural Resources	Impacts would be less than significant. See Section 4.2, Agricultural Resources. Therefore, the Project would be consistent with the goal.
<p>Policy AGP17 Agricultural Buffers: Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses in accordance with the agricultural buffer policies adopted by the Board of Supervisors.</p>	Conserve Agricultural Resources	Impacts would be less than significant. See Section 4.2, Agricultural Resources. Therefore, the Project would be consistent with the goal.

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p><i>Policy AGP18 Location of Improvements:</i> Locate new buildings, access roads, and structures so as to protect agricultural land.</p>	<p>Conserve Agricultural Resources</p>	<p>Impacts would be less than significant. See Section 4.2, Agricultural Resources. Therefore, the Project would be consistent with the goal.</p>
<p>County of San Luis Obispo General Plan – Land Use Element – Coastal Zone Framework for Planning</p>		
<p>General Goals</p>		
<p><i>Environment</i> - Maintain and protect a living environment that is safe, healthful and pleasant for all residents by:</p> <ul style="list-style-type: none"> • Balancing the capacity for growth allowed by the Land Use Element with the sustained availability of resources. • Mitigating adverse impacts from development using the best available methods and technology, to the maximum extent feasible. 	<p>Maintain a safe and healthful environment</p>	<p>Impacts would be less than significant. See Section 4.1, Aesthetics, 4.9, Hazards and Hazardous Materials, 4.11, Land use and Planning, and 4.12, Noise. Therefore, the Project would be consistent with the goal.</p>
<p><i>Air Quality</i> - Preserve, protect and improve the air quality of the County by:</p> <ul style="list-style-type: none"> • Seeking to attain and maintain state and federal ambient air quality standards. • Mitigating to the extent feasible, potential adverse air quality impacts from new development using the best available technology. • Minimizing the generation of air pollutants from projected growth. • Implementing land use policies and programs that promote and encourage the use of transportation alternatives to the single-passenger vehicle. • Minimizing travel distance and trip generation by the location of land uses. • Encouraging the use of alternative energy sources such as solar, wind, and wave technology to reduce the use of non-renewable resources. 	<p>Preserve, protect, and improve the air quality of the County</p>	<p>Impacts to Air Quality are mitigated as per Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.</p>
<p><i>Distribution of Land Uses</i> - Encourage an urban environment that is an orderly arrangement of buildings, improvements, and open space appropriate to the size and scale of development for each community by:</p> <ul style="list-style-type: none"> • Maintaining a clear distinction between urban and rural scale development. 	<p>Preserve orderly urban environment</p>	<p>Impacts would be less than significant. See Section 4.2, Agricultural Resources. Therefore, the Project would be consistent with the goal.</p>

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p>Rural uses outside of urban and village areas should be predominately agriculture, low-intensity recreation, low-density residential and open space uses, which will preserve and enhance the pattern of identifiable communities.</p> <ul style="list-style-type: none"> Identifying important agricultural, natural and other rural areas between cities and communities, and working with landowners to maintain their rural character. Encouraging the protection of commercial agricultural land, both prime and non-prime soils, for the production of food, fiber, and other agricultural commodities. 		
<p>Residential Land Uses - Preserve and enhance the quality of residential areas by:</p> <ul style="list-style-type: none"> Protecting residential areas from incompatible and undesirable land uses. 	Protect residential areas.	See Section 4.11, Land Use and Planning. The Project would demolish an industrial activity. Therefore, the Project would be consistent with the goal.
<p>Commercial and Industrial Land Uses - Designate commercial and/or industrial areas that are compatible with overall land use by:</p> <ul style="list-style-type: none"> Creating and preserving desirable neighborhood business characteristics, such as compatible uses, safe employment areas, sense of scale, landscaping, pedestrian ways, and other amenities. 	Protect residential areas.	See Section 4.11, Land Use and Planning. The Project would demolish an industrial activity. Therefore, the Project would be consistent with the goal.
<p>Circulation - Integrate land use and transportation planning by:</p> <ul style="list-style-type: none"> Coordinating with cities to ensure that traffic and transportation demands can be safely and adequately accommodated. 	Safely plan transportation systems	Impacts would be less than significant. See Section 4.15, Transportation. Therefore, the Project would be consistent with the goal.
Land Use Goals		
Reconciling discordant land uses by identifying the relationships between uses that minimize land use conflicts.	Minimize land use conflicts.	Impacts would be less than significant. See Section 4.11, Land Use and Planning. Therefore, the Project would be consistent with the goal.
Providing areas where agricultural, residential, commercial and industrial uses	Minimize land use conflicts.	Impacts would be less than significant. See Section 4.11, Land Use and

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
may be developed in harmonious patterns and with all the necessities for satisfactory living and working environments.		Planning. Therefore, the Project would be consistent with the goal.
Protecting coastal resources, public access to the shoreline and visitor-serving areas, as required by the California Coastal Act.	Protect coastal resources, public access	Although the Project is subject to this policy by definition, the policy consistency is not a CEQA issue as there is no direct environmental impact under CEQA. Extending the Offer to Dedicate into perpetuity as a condition of Project approval ensures that future development would provide vertical access with any proposed intensification of use.
County of San Luis Obispo General Plan – Conservation and Open Space Element		
Air Quality		
Goal AQ 1: Per capita vehicle-miles-traveled countywide will be substantially reduced consistent with statewide targets.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.
Policy AQ 1.2 Reduce vehicle miles traveled: Require Project subject to discretionary review to minimize additional vehicle travel.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.
Policy AQ 1.9 Use of rail: Encourage and facilitate, where appropriate, the use of railways as an alternative to trucking materials out of the County by preserving existing services and rights-of-way and investigating the feasibility of increasing general freight traffic by developing additional loading facilities. Railways should also be encouraged for use by passengers.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.3, Air Quality. The Project proposes the use of rail to the extent feasible. Therefore, the Project would be consistent with the goal.
Goal AQ 3: State and federal ambient air quality standards will, at a minimum, be attained and maintained.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.
Policy AQ 3.1 Coordinate with other jurisdictions: Coordinate with neighboring jurisdictions and affected agencies to address cross-jurisdictional and regional transportation and air quality issues.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
Policy AQ 3.2 Attain air quality standards: Attain or exceed federal or state ambient air quality standards (the more stringent if not the same) for measured criteria pollutants.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.
Policy AQ 3.3 Avoid air pollution increases: Avoid a net increase in criteria air pollutant emissions in planning areas certified as Level of Severity II or III for Air Quality by the County's Resource Management System (RMS).	Preserve and improve the areas air quality	As per the discussion in Section 4.3, Air Quality, the Project would increase particulate emissions in the Nipomo Mesa during construction, designated as an area with Level of Severity III. For short-term activities the Project would be inconsistent with the goal. For long-term activities, it would be beneficial <u>the project would be consistent with the goal.</u>
Policy AQ 3.4 Toxic exposure: Minimize public exposure to toxic air contaminants, ozone, particulate matter, sulfur dioxide, carbon monoxide, nitrogen oxides, and lead.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.
Policy AQ 3.5 Equitable decision making: Ensure that land use decisions are equitable and protect all residents from the adverse health effects of air pollution.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.
Policy AQ 3.6 Strategic growth principles: Ensure that implementation of the Strategic Growth principles and goals are balanced with protection of sensitive receptors near high-volume transportation routes and sources of toxic emissions (i.e., railyards, downtown centers, gasoline development facilities, chrome platers, dry cleaners, and refineries).	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.
Policy AQ 3.7 Reduce vehicle idling: Encourage the reduction of heavy-vehicle idling throughout the County, particularly near schools, hospitals, senior care facilities, and areas prone to concentrations of people, including residential areas.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.
Policy AQ 3.8 Reduce dust emissions: Reduce PM ₁₀ and PM _{2.5} emissions from unpaved and paved County roads to the maximum extent feasible.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.
Goal AQ 4: Greenhouse gas emissions from County operations and communitywide	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.8, Greenhouse Gas

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
sources will be reduced from baseline levels by a minimum of 15% by 2020.		Emissions. Therefore, the Project would be consistent with the goal.
Policy AQ 4.1 Reduce greenhouse gas emissions: Implement and enforce State legislative or regulatory standards, policies, and programs designed to reduce greenhouse gas emissions.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.8, Greenhouse Gas Emissions. Therefore, the Project would be consistent with the goal.
Policy AQ 4.2 Identify greenhouse gas emissions: Quantify, reduce, and mitigate greenhouse gas emissions.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.8, Greenhouse Gas Emissions. Therefore, the Project would be consistent with the goal.
Policy AQ 4.4 Development projects and land use activities: Reduce greenhouse gas emissions from development projects and other land use activities.	Preserve and improve the areas air quality	Impacts would be less than significant. See Section 4.8, Greenhouse Gas Emissions. Therefore, the Project would be consistent with the goal.
Biological Resources		
Goal BR 1: Native habitat and biodiversity will be protected, restored, and enhanced.	Protect biological resources	Impacts would be less than significant. See Section 4.4, Biological Resources. Therefore, the Project would be consistent with the goal.
Policy BR 1.3 Environmental review: Require environmental review of development applications pursuant to CEQA and County procedures to assess the impact of proposed development on native species and habitat diversity, particularly special-status species, sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors.	Protect biological resources	Impacts would be less than significant. See Section 4.4, Biological Resources. Therefore, the Project would be consistent with the goal.
Policy BR 1.9 Preserve ecotones: Require that proposed discretionary development protects and enhances ecotones, or natural transitions between habitat types because of their importance to vegetation and wildlife. Ecotones of particular concern include those along the margins of riparian corridors, baylands and marshlands, vernal pools, and woodlands and forests where they transition to grasslands and other habitat types.	Protect biological resources	Impacts would be less than significant. See Section 4.4, Biological Resources. Therefore, the Project would be consistent with the goal.
Policy BR 1.10 Identify and protect ecologically sensitive areas: Protect and enable management of ecologically	Protect biological resources	Impacts would be less than significant. See Section 4.4, Biological Resources.

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
sensitive areas to the maximum extent feasible.		Therefore, the Project would be consistent with the goal.
Goal BR 4: The natural structure and function of streams and riparian habitat will be protected and restored.	Protect biological resources	Impacts would be less than significant. See Section 4.4, Biological Resources. Therefore, the Project would be consistent with the goal.
Policy BR 4.1 Protect stream resources: Protect streams and riparian vegetation to preserve water quality and flood control functions and associated fish and wildlife habitat.	Protect biological resources	Impacts would be less than significant. See Section 4.4, Biological Resources. Therefore, the Project would be consistent with the goal.
Energy		
Goal E 1: The County will have an environmentally sustainable supply of energy for all County residents.	Enhance sustainable energy use	Energy use would be less than significant. See Section 4.6, Energy. Therefore, the Project would be consistent with the goal.
Policy E 1.4 Methane: Increase the use of methane as an energy source from wastewater treatment plants and active and inactive, closed landfills.	Enhance sustainable energy use	Not applicable.
Goal E 3: Energy efficiency and conservation will be promoted in both new and existing development.	Enhance sustainable energy use	Energy use would be less than significant. See Section 4.6, Energy. Therefore, the Project would be consistent with the goal.
Policy E 3.1 Use of renewable energy: Ensure that new and existing development incorporates renewable energy sources, such as solar, passive building, wind and thermal energy. Reduce reliance on non-sustainable energy sources to the extent possible using available technology and sustainable design techniques, materials, and resources.	Enhance sustainable energy use	Energy use would be less than significant. See Section 4.6, Energy. Therefore, the Project would be consistent with the goal.
Policy E 3.2 Energy efficient equipment: Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	Enhance sustainable energy use	Energy use would be less than significant. See Section 4.6, Energy. Therefore, the Project would be consistent with the goal.
Policy E 3.3 Use of renewable energy for water and wastewater: Promote the use of renewable energy systems to pump and treat water and wastewater.	Enhance sustainable energy use	Energy use would be less than significant. See Section 4.6, Energy. Therefore, the Project would be consistent with the goal.

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<i>Goal E 5:</i> Recycling, waste diversion, and reuse programs will achieve as close to zero waste as possible.	Enhance sustainable energy use	Energy use would be less than significant. See Section 4.6, Energy. Therefore, the Project would be consistent with the goal.
<i>Policy E 5.1 Source reduction and waste diversion:</i> Encourage source reduction and diversion of solid waste generated to as near zero waste as possible, in order to reduce energy consumption.	Enhance sustainable energy use	Energy use would be less than significant. See Section 4.6, Energy and Section 4.13, Public Services, Utilities and Service Systems. Therefore, the Project would be consistent with the goal.
<i>Goal E 7:</i> Design, siting, and operation of non-renewable energy facilities will be environmentally appropriate.		Not applicable.
<i>Policy E 7.2 Facility upgrades and replacements:</i> Encourage the upgrade or replacement of existing, older facilities to current safety and environmental standards where appropriate, support the decommissioning and redevelopment of existing, older facilities where current safety and environmental standards cannot be met and existing energy production could be replaced with renewable energy sources. Further, develop a cooperative working relationship with the utility and oil and gas industry, including workshops to provide information about the permitting process.		Not applicable as this is a demolition Project. Therefore, the Project would be consistent with the goal.
Soil Resources		
<i>Goal SL 1:</i> Soils will be protected from wind and water erosion, particularly that caused by poor soil management practices.	Protection of soils	Impacts would be less than significant. See Section 4.7, Geology and Soils, and Section 4.3, Air Quality. Therefore, the Project would be consistent with the goal.
<i>Policy SL 1.2 Promote soil conservation practices in all land uses:</i> Require erosion and sediment control practices during development or other soil-disturbing activities on steep slopes and ridgelines. These practices should disperse stormwater so that it infiltrates the soil rather than running off, and protect downslope areas from erosion.	Protection of soils	Impacts would be less than significant. See Section 4.7, Geology and Soils, and Section 4.10, Hydrology and Water Quality. Therefore, the Project would be consistent with the goal.

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
Water Resources		
Goal WR 1: The County will have a reliable and secure regional water supply (IRWM).	Protection of water supply	Impacts would be less than significant. See Section 4.10, Hydrology and Water Quality. Therefore, the Project would be consistent with the goal.
Policy WR 1.14 Avoid net increase in water use: Avoid a net increase in non-agricultural water use in groundwater basins that are recommended or certified as Level of Severity II or III for water supply. Place limitations on further land divisions in these areas until plans are in place and funded to ensure that the safe yield will not be exceeded.	Protection of water supply	Impacts would be less than significant. Project would reduce water use. See Section 4.10, Hydrology and Water Quality. Therefore, the Project would be consistent with the goal.
Goal WR 3: Excellent water quality will be maintained for the health of people and natural communities.	Protection of water supply and quality	Impacts would be less than significant. See Section 4.10, Hydrology and Water Quality. Therefore, the Project would be consistent with the goal.
Policy WR 3.1 Prevent water pollution: Take actions to prevent water pollution, consistent with federal and state water policies and standards, including but not limited to the federal Clean Water Act, Safe Drinking Water Act, and National Pollutant Discharge Elimination System (NPDES).	Protection of water supply	Impacts would be less than significant. See Section 4.10, Hydrology and Water Quality. Therefore, the Project would be consistent with the goal.
Goal WR 4: Per capita potable water use in the County will decline by 20 percent by 2020.		Not applicable.
Policy WR 4.1 Reduce water use: Employ water conservation programs to achieve an overall 20 percent reduction in per capita residential and commercial water use in the unincorporated area by 2020. Continue to improve agricultural water use efficiency consistent with Policy AGP 10 in the Agricultural Element.	Protection of water supply	Impacts would be less than significant. See Section 4.10, Hydrology and Water Quality. Therefore, the Project would be consistent with the goal.
Policy WR 4.4 Reuse wastewater: The County will work with wastewater system operators to identify and implement programs for reuse of treated wastewater, particularly in landscaping, irrigation, parks, and public facilities.	Protection of water supply	Impacts would be less than significant. See Section 4.10, Hydrology and Water Quality. Therefore, the Project would be consistent with the goal.

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
San Luis Obispo County Coastal Plan Policies		
<u>Shoreline Access</u>		
<p><u>Coastal Act Section 30210.</u> In carrying out the requirement of Section 4 of Article X, the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.</p>	<p>Coastal access</p>	<p>The Project would result in the removal of existing industrial facilities. It would not include any new permanent development or improvements. While this could enable a future project to provide public coastal access, this Project has no direct impact under CEQA to Coastal Access. P66 was required to provide the County an Irrevocable Offer to Dedicate Vertical Public Access Easement to be consistent with this policy under a previous permit, that would be made perpetual under this Project's conditions of approval. Therefore, the Project would be consistent with the goal.</p>
<p><u>Coastal Act Section 30211.</u> Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.</p> <p><u>County Policy 1 – Protection of Existing Access</u></p>	<p>Coastal access</p>	<p>The Project would result in the removal of existing industrial facilities. This Project would not result in any new permanent development or improvements. While this could enable a future project to provide public coastal access, this Project has no direct impact under CEQA to coastal access. P66 was required to provide the County an Irrevocable Offer to Dedicate Vertical Public Access Easement to be consistent with this policy under a previous permit, that would be made perpetual under this Project's conditions of approval. Therefore, the Project would be consistent with the goal.</p>
<p><u>Coastal Act Section 30212.</u> (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby; or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public</p>	<p>Coastal access</p>	<p>The Project would result in the removal of existing industrial facilities. It would not include any new permanent development or improvements. While this could enable a future project to provide public coastal access, this Project has no direct impact under CEQA to Coastal Access. P66 was required to provide the County an Irrevocable Offer to Dedicate Vertical Public Access Easement to be consistent</p>

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p><u>agency or private association agrees to accept responsibility for maintenance and liability of the accessway.</u> <u>County Policy 2 – New Development.</u> <u>Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development....</u> <u>County Policy 5 – Acceptance of Offer to Dedicate</u> <u>County Policy 6 – Public Safety:</u> <u>The level and intensity of shoreline access is to be consistent with public safety concerns related to bluff stability, trail improvements as well as the provision of adequate facilities such as signs, fences and stairways.</u></p>		<p><u>with this policy under a previous permit, that would be made perpetual under this Project’s conditions of approval. Therefore, the Project would be consistent with the goal.</u></p>
<p><u>Coastal Act Section 30214.</u> (a) <u>The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to the following:</u> <u>(1) Topographic and geologic site characteristics; (2) The capacity of the site to sustain use and at what level of intensity; (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.</u> <u>County Policy 9 – Restoration and Enhancement of Shoreline Access Areas:</u> <u>Areas that have been severely degraded through overly intense and unrestricted use should be restored....</u> <u>County Policy 10 – Protection of Property Rights and Privacy:</u> <u>The acquisition of rights for access and view purposes and other uses by the public should be</u></p>	<p><u>Coastal access</u></p>	<p><u>The Project would result in the removal of existing industrial facilities. It would not include any permanent development or improvements. While this could enable a future project to provide public coastal access, this Project has no direct impact under CEQA to Coastal Access. P66 was required to provide the County an Irrevocable Offer to Dedicate Vertical Public Access Easement to be consistent with this policy under a previous permit, that would be made perpetual under this Project’s conditions of approval. Therefore, the Project would be consistent with the goal.</u></p>

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p><u>consistent with the protection of the property and use rights of property owners</u></p>		
<p><u>Recreation and Visitor-Serving Facilities</u></p>		
<p><u>Coastal Act Section 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.</u> <u>County Policy 1 – Recreation Opportunities:</u> Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means....</p>	<p><u>Distributed public facilities</u></p>	<p><u>The Project does not propose any public facilities. Therefore, this policy is not applicable.</u></p>
<p><u>Coastal Act Section 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.</u> <u>County Policy 2 – Priority for Visitor-Serving Facilities:</u> Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry...</p>	<p><u>Coastal access</u></p>	<p><u>The Project would result in the removal of existing industrial facilities. It would not include any new permanent development or improvements. While this could enable a future project to provide coastal access, this Project has no direct impact under CEQA to Coastal Access. P66 was required to provide the County an Irrevocable Offer to Dedicate Vertical Public Access Easement to be consistent with this policy under a previous permit, that would be made perpetual under this Project’s conditions of approval. Therefore, the Project would be consistent with the goal.</u></p>
<p><u>Energy and Industrial Development</u></p>		
<p><u>Coastal Act Section 30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.</u></p>	<p><u>Ensure safe operations of oil and gas facilities</u></p>	<p><u>Impacts would be less than significant. See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.</u></p>

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p><u><i>County Policy 1B – Abandonment of Energy and Oil Facilities:</i></u> As part of the Area Plan update process, the County should update and revise standards and requirements governing abandonment and clean up of major sites....</p>	<p>Ensure cleanup standards</p>	<p>Impacts related to cleanup of the site are based on RWQCB standards, discussed in Section 4.9, Hazards and Hazardous Materials and 4.10, Hydrology and Water Quality. Impacts would be less than significant. Therefore, the Project would be consistent.</p>
<p><u><i>Coastal Act Section 30262.</i></u> Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:</p> <ul style="list-style-type: none"> a) The development is performed safely and consistent with the geologic conditions of the well site. b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts. c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks. d) Platforms or islands will not be sited where a substantial hard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers. e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence. f) With respect to new facilities, all oil field brines are re-injected into oil-producing zones unless the Division of Oil and Gas of the Department of 	<p>Ensure safe operations of oil and gas facilities</p>	<p>Not applicable. This Project would demolish an oil and gas facility. Therefore, the Project would be consistent with the goal.</p>

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p>Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to re-injections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.</p>		
<p><u>Coastal Act Section Section 30263.</u> a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if: (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and, (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property. b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels, or, in the case of an expansion of an existing site, total site emission levels, and site levels for each emission type for which national or state ambient</p>	<p>Ensure safe operations of oil and gas facilities</p>	<p>Not applicable. This Project would demolish an oil and gas facility.</p>

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p>air quality standards have been established do not increase.</p> <p>c) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from in plant processes where feasible.</p>		
<u>Environmentally Sensitive Habitats</u>		
<p><u>Coastal Act Section 30240. (a)</u> <u>Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.</u> <u>(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.</u> <u>County Policy 1 – Land Use With or Adjacent to Environmentally Sensitive Habitats:</u> <u>New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource.....</u> <u>County Policy 3 – Habitat Restoration:</u> <u>The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible.....</u> <u>County Policy 7 – Protection of Environmentally Sensitive Habitats:</u> <u>The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored....</u> <u>County Policy 29 – Protection of Terrestrial Habits:</u> <u>Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire</u></p>	<p><u>Protection of ESHA and sensitive areas</u></p>	<p><u>The Project has the potential to impact ESHA and other sensitive areas. Mitigation measures in Section 4.4, Biological Resources, address restoration and the enhancement of ESHA and other resources. Impacts would be less than significant with mitigation. Therefore, the Project would be consistent.</u></p>

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p><u>ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site....</u> <u>County Policy 30 – Native Vegetation:</u> <u>Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed...</u> <u>County Policy 35 – Protection of Vegetation:</u> <u>Vegetation which is rare or endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat.</u></p>		
<u>Air Quality</u>		
<p><u>Policy 25-1 Air Pollution Standards Quality:</u> <u>The county will provide adequate administration and enforcement of air quality programs and regulations to be consistent with the county's Air Pollution Control District and the State Air Resources Control Board</u> <u>Any expansion or modification of existing petroleum processing or transportation facilities or the construction of new facilities shall meet San Luis Obispo County Air Pollution Control District (SLOCAPCD) standards. As a condition of approval, the SLOCAPCD Officer may:</u> <u>Require an air pollutant emission/oil throughput limitation by which allowable oil throughput through the facility is based upon the amount of air pollutant emissions.</u> <u>Set limits on the timing of loading operations when projected oxidant levels exceed designated levels.</u> <u>Require establishment of an ambient air monitoring system in a manner approved by the SLOCAPCD to continuously monitor pollutants and record wind speed and direction.</u></p>	<p><u>Ensure safe operations of oil and gas facilities compliance with APCD rules and regulations</u></p>	<p>Impacts would be less than significant. See Section 4.3, Air Quality. <u>The Project would comply with all APCD rules and regulations and emissions would be below the thresholds with mitigation.</u> Therefore, the Project would be consistent with the goal.</p>

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
Coastal Watersheds		
Coastal Watersheds		
<p><u>Coastal Act Section 30231.</u> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</p>	<p>Protection of biological resources</p>	<p>The Project has the potential to impacts sensitive biological resource area. <u>Mitigation measures in Section 4.4, Biological Resources, address restoration and the enhancement of ESHA resources as well as other biological resources. Retaining the quality of hydrological resources is addressed in Section 4.10, Hydrology and Water Quality, with additional mitigation measures. Both biological and hydrological impacts are reduced to less than significant with mitigation measures. Therefore, the Project would be consistent.</u></p>
<p>Policy 1 Preservation of Groundwater Basins: The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted.</p>	<p>Protect groundwater</p>	<p>Impacts would be less than significant. See Section 4.10, Hydrology and Water Quality. Therefore, the Project would be consistent with the goal.</p>
Coastal Watersheds Hazards		
Hazards		
<p><u>Coastal Act Section 30253.</u> (Portion) New development shall:</p> <ul style="list-style-type: none"> • Minimize risks to life and property in areas of high geologic, flood, and fire hazard. • Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices 	<p>Protect Ensure safety</p>	<p>Impacts would be less than significant. See Section 4.7, Geology and Soils, and Section 4.10, Hydrology and Water Quality. Therefore, the Project would be consistent with the goal.</p>

4.11 Land Use and Planning

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p>that would substantially alter natural landforms along bluffs and cliffs.</p> <ul style="list-style-type: none"> <p><u>County Policy 2 – Erosion and Geologic Stability:</u> <u>New development shall ensure structural stability while not creating or contributing to erosion or geological instability</u></p> 		
<p><u>County Policy 9 High Fire Risk Areas:</u> Fire hazard areas shall be defined as those having potential for catastrophic fire. The County shall designate and show on the Hazards maps those high risk fire areas as delineated by the State Division of Forestry.</p>	Protect areas from fire impacts	Impacts would be less than significant. See Section 4.9, Hazards and Hazardous Materials, and Section 4.16, Wildfire. Therefore, the Project would be consistent with the goal.
South County Coastal Area Plan		
<p><u>Permit Requirements.</u> Any proposed modification or expansion of the existing Refinery or coke oven or the construction of partial oil and gas processing facilities to service off-shore derived oil and gas that involves land area beyond that presently developed requires Development Plan approval and shall be subject to the following:</p> <ul style="list-style-type: none"> Phasing plan for staging development indicating the anticipated time table and site plans for Project initiation, expansion possibilities, completion, consolidation possibilities, and decommissioning (Local Coastal Plan [LCP]). A fire protection system approved by the governing authority (LCP). Screening of the facilities from public view through height limitations, careful site design, artificial contoured banks and mounding, extensive landscaping, and decorative walls and fences (LCP). Any part of the facilities that cannot effectively be screened by the above methods shall be painted with nonreflective paint of colors that blend with the surrounding natural landscape (LCP). Oil spill contingency plan (using most effective feasible technology) 	Ensure safe expansion and modification of oil and gas refining	Impacts would be less than significant. The Project proposes demolition and removal of the Refinery. <u>It would not result in any new permanent development or improvements.</u> See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.

Table 4.11.3 Preliminary Policy Consistency Analysis

Goals, Policies, Plans, Programs, and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p>indicating the location and type of cleanup equipment, designation of responsibilities for monitoring, cleanup, waste disposal and reporting of incidents and provisions for periodic drills by the operator, as requested by the County, to test the effectiveness of the cleanup and containment equipment and personnel (LCP).</p>		
<p>Limitation on Use. All uses are prohibited except petroleum refining and related industries (including partial oil and gas processing and related industries); coastal access ways; water wells and impoundments; and pipelines and power transmissions. No off-road vehicular use is permitted other than for management of the industrial and natural areas (LCP).</p>	<p>Ensure safe expansion and modification of oil and gas refining</p>	<p>Impacts would be less than significant. The Project proposes demolition and removal of the Refinery <u>and will not result in any new permanent development or improvements.</u>- See Section 4.9, Hazards and Hazardous Materials. Therefore, the Project would be consistent with the goal.</p>
<p>Site Location. Site location shall minimize impacts to identified rare and endangered plant species and be located to provide a buffer from exposed dune areas on site. A qualified biologist shall survey the site and make recommendations on siting alternatives and appropriate mitigation (LCP).</p>	<p>Minimize plant impacts</p>	<p>Impacts would be less than significant. See Section 4.4, Biological Resources. Therefore, the Project would be consistent with the goal.</p>

4.11.6 Mitigation Measure Impacts to Other Issue Areas

Mitigation measures are discussed in their respective sections. No new mitigation measures are proposed for Land Use and Planning.

4.11.7 Cumulative Impacts

Existing and foreseeable future projects within the Project region are identified in Chapter 3.0, Cumulative Study Area. As discussed above, implementation of the Project would generally be consistent with the majority of applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. The Project would be inconsistent with one of the General Plan land use policies, as described and evaluated above, related to air quality on the Nipomo Mesa and Policy AQ 3.3 Avoid Air Pollution Increases:

4.11 Land Use and Planning

Avoid a net increase in criteria air pollutant emissions in planning areas certified as Level of Severity II or III for Air Quality by the County's Resource Management System (RMS).

Impacts associated with inconsistency with Policy AQ 3.3 would be cumulative in nature, in that the Project would contribute to an existing issue of particulate on the Nipomo Mesa, which includes the Project area. Generally, all air quality impacts are cumulative in nature. Without the existing issues on the Nipomo Mesa, the Project's contribution would most likely be less than significant. Therefore, inconsistency with Policy AQ 3.3 would result in a significant cumulative impact. Mitigation measures have been identified in Section 4.3, Air Quality, including mitigation measure AQ.1-1 and AQ.3-1 which would reduce fugitive dust and particulate emissions, but emissions would still continue to be generated.

4.11.8 References

County of San Luis Obispo (County). 1992. County of San Luis Obispo General Plan, Noise Element. Available at: <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Elements/Noise-Element.pdf>. Accessed June 2023.

County. 1999. County of San Luis Obispo General Plan, Safety Element. Available at: www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Elements/Safety-Element.pdf. Accessed June 2023.

County. 2006. County of San Luis Obispo General Plan, Parks and Recreation Element. Available at: <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Elements/Parks-and-Recreation-Element.pdf>. Accessed June 2023.

County. 2007. Coastal Plan Policies. Available at: <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Elements/Coastal-Plan-Policy.pdf>. Accessed June 2023.

County. 2010a. County of San Luis Obispo General Plan, Agriculture Element. Available at: <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Elements/Agriculture-Element.pdf>. Accessed June 2023.

County. 2010b. County of San Luis Obispo General Plan, Conservation and Open Space Element. Available at: [https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Elements/Conservation-and-Open-Space-Element-\(1\)/Conservation-and-Open-Space-Element.pdf](https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Elements/Conservation-and-Open-Space-Element-(1)/Conservation-and-Open-Space-Element.pdf). Accessed June 2023.

County. 2018a. Coastal Zone Framework for Planning, San Luis Obispo County General Plan. Available at: <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Elements/Framework-for-Planning-Coastal-Zone.pdf>. Accessed June 2023.

County. 2018b. South County Area Plan – Coastal; Land Use and Circulation Elements of the San Luis Obispo County General Plan. Available at:

<https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Area-Plans/South-County-Coastal-Area-Plan.pdf>. Accessed June 2023.

County. 2019. San Luis Obispo County Multi-Jurisdictional Hazard Mitigation Plan. Available at: <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Elements/Local-Hazard-Mitigation-Plan/San-Luis-Obispo-County-Multi-Jurisdictional-Hazard.pdf>. Accessed June 2023.

County. 2020. County of San Luis Obispo General Plan 2020–2028 Housing Element. Available at: <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Elements/Housing-Element.pdf>. Accessed June 2023.

County. 2023. Land Use View Map; County Department of Planning and Building. Available at: https://gis.slocounty.ca.gov/Html5Viewer/Index.html?configBase=https://gis.slocounty.ca.gov/Geocortex/Essentials/REST/sites/PL_LandUseView/viewers/PL_LandUseView/virtualselect/Viewer/Config/Default.

San Luis Obispo Council of Governments (SLOCOG). 2023. 2023–2045 Regional Transportation Plan. Available at: <https://www.slocog.org/programs/regional-planning/2023-rtp>. Accessed June 2023.

