



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT Sports Warehouse Properties Vachell Lane Development Project

Public Notice/Application No.: SPL-2018-00618-LM

Project: Sports Warehouse Properties Vachell Lane Development Project

Comment Period: October 10, 2019 through November 10, 2019

Project Manager: Lisa Mangione; (805) 585-2150; Lisa.Mangione@usace.army.mil

Applicant

Drew Munster
Sports Warehouse Properties II, LLC
181 Suburban Road
San Luis Obispo, California 93401

Contact

David Wolff
Sage Institute, Inc.
1320 Van Beurden Drive, Suite 202-D4
Los Osos, California 93402
dwolff@sageii.com

Location

The proposed project site is located at the northeast corner of the intersection of Vachell Lane and Venture Drive between South Higuera Street and Buckley Road in the City of San Luis Obispo, San Luis Obispo County, California (Lat. 35.240575°, Long. -120.674426°). The project site is depicted on the Pismo Beach 7.5-minute U.S. Geological Survey quadrangle.

Activity

Discharge of fill material into an approximately 1.382-acre seasonal wetland to facilitate commercial development in association with the Sports Warehouse Properties Vachell Lane Development Project (see attached drawings). For more information see Additional Project Information section below.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
60 South California Street, Suite 201
Ventura, CA 93001
ATTN: Lisa Mangione

Alternatively, comments can be sent electronically to: Lisa.Mangione@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water

quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates it would not affect coastal zone resources. The Corps will make a final determination of whether this project affects coastal zone resources after review of the comments received on this Public Notice.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. In June 2018, a cultural resources survey of the proposed project site was conducted by Central Coast Archaeological Research Consultants. This study included archival research, records query and review of previous surveys, and an intensive archaeological field survey. No historic or archaeological cultural resources were found or recorded on the proposed project site. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate the proposed activity may affect the vernal pool fairy shrimp (*Branchinecta lynchi*), a federally-listed threatened species. Therefore, formal consultation under Section 7 of the Endangered Species Act will be

required. The Corps and applicant have initiated pre-project coordination with the U.S. Fish and Wildlife Service Ventura Office, including review of the applicant's compensatory mitigation proposal for vernal pool fairy shrimp.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose-

The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is commercial development. The project is not water dependent.

Overall Project Purpose-

The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose is commercial development of warehouses, offices, manufacturing, retail, and shipping/receiving uses consistent with the City of San Luis Obispo's Airport Area Specific Plan zoning designation as Manufacturing.

Additional Project Information

Baseline information-

The following baseline information was provided in the permit application package for the proposed project.

The proposed project site is a 10-acre parcel that supports a 1.382-acre seasonal wetland in the central portion. Review of color aerial photographs dating back to 1988 show evidence of ongoing annual tillage of the site. The Natural Resource Conservation Service orthophotobase from the 1976/1977 soils survey also depicts the subject property and surrounding lands under cultivation. It is probable that agricultural production on the property occurred before the available aerial photography. Soil stockpiles from recent construction on the adjacent industrial-zoned Dioptics property to the south were placed along an approximately 150-foot area parallel to Vachell Lane on the project site (outside of waters of the U.S.). Grading for a new access road off of Vachell Lane also created a soils stockpile

along the southern boundary of the site. A crop of peppers was planted in 2004 with remnant plants observable during the 2005 wet season. The low-lying area in the approximate center of the site receives local runoff from properties to the north. This appears as a consistent feature in the historical landscape as evidenced from review of available wet season aerial photography dating back to 1988. Runoff from the shallow ponded area drains to an existing culvert that was installed with the construction of Vachell Lane. The aforementioned construction-related stockpiling activities caused substantial ponding during the 2004-2005 wet season by impeding the offsite drainage flows. In order to drain the site during the very wet 2005 rainy season, a standpipe, pump, and drainage ditch were installed (outside of waters of the U.S.) to improve surface flows to the existing culvert.

Based on field observations from January through July 2005, a wetland delineation conducted in 2007, visual observations by Sage Institute, Inc. (SII) from 2007 to 2017, wetland delineation data collected in 2017-2018, review of available aerial photographs dating back to 1976/1977, and a "Wetland Delineation and Jurisdictional Determination Addendum 2018" prepared by SII, approximately 1.382 acres of seasonal wetlands occur onsite. The extent of this wetland feature is consistent with the approximate limits of a persistent ponded feature observed over time. Site conditions and extent of seasonal wetland habitat was affirmed in 2017 and 2018 with observations of vegetation, soils, and hydrology that appear unchanged since the original wetland delineation. As a result, the Corps has determined that the proposed project site supports approximately 1.382 acres of jurisdictional seasonal wetland, which is a special aquatic site as defined in the 404(b)(1) Guidelines.

At the applicant's direction and based on the request of the San Luis Obispo County Planning and Building Department as part of the local environmental review process, David Wolff Environmental (DWE) conducted a U.S. Fish and Wildlife Service (USFWS) protocol-level vernal pool branchiopod (fairy shrimp) survey in 2005. This survey requirement was also prompted by a recent discovery of listed fairy shrimp in the vicinity of the proposed project site. The purpose of the study was to complete the wet season survey protocol, as detailed in the currently accepted April 19, 1996 USFWS Interim Survey Guidelines for vernal pool fairy shrimp, to determine presence or absence of listed fairy shrimp in the seasonal wetland habitat onsite. David Wolff, DWE Principal Ecologist, conducted the wet season survey protocol from January 24 to April 7, 2005. The federally-listed threatened vernal pool fairy shrimp was discovered in the last remaining ponded area of the seasonal wetland (approximately 50-square-foot area) on the subject property on April 7, 2005. Given the discovery of the vernal pool fairy shrimp, the site has been left untilled since 2005. No ongoing activities affecting the vernal pool fairy shrimp have occurred during this time.

The federally threatened California red-legged frog (*Rana dratonii*; CRLF) is known to be present within the region of the project site but no suitable aquatic habitat occurs on the site. A current review of the California Natural Diversity Data Base (CNDDB) within an approximately 10-mile radius of the project site revealed numerous CRLF occurrences in the region. Most of the CRLF occurrences to the north and west (with the exception of one discussed in detail below) are greater than five miles away from the project. The closest CRLF occurrences to the south are approximately three miles away near Avila Beach and in

the hills above Pismo Beach, with most occurrences much further. The site does not contain critical habitat for CRLF.

No special-status vertebrate species area expected to occur on the project site. Additionally, given that the proposed project site is surrounded on three sides by urban industrial and commercial development, the proposed project site does not provide a primary movement or migratory corridor for native wildlife species.

Project description-

The proposed project includes development of the property for warehouse, offices, M, retail, and shipping/receiving uses consistent with the site's Manufacturing zoning designation by the City of San Luis Obispo's Airport Area Specific Plan. The project includes development of the site with an approximately 3.0-acre building footprint and 7.0 acres of appurtenant features including parking, landscaping, storm water detention, and miscellaneous public improvements and setbacks (i.e. sidewalks, roadway frontage). Water and sewer for the project would connect to City of San Luis Obispo infrastructure.

To meet City of San Luis Obispo requirements to support the proposed use, the following appurtenant features would be constructed with the building footprint:

- 2.46 acres for parking and circulation.
- 2.38 acres of landscaping (minimum of 10% of site).
- 1.26 acres for drainage and stormwater detention facilities.
- 0.89 acre for other public improvements such as roadway frontage improvements (sidewalk, curb and gutter, turn lanes, setbacks to development).

Avoidance-

The seasonal wetland feature occupies the center portion of the proposed project site. Based on information provided by the applicant, a reduced project, while technically feasible, would require a horseshoe footprint isolating the feature within the developed areas. Logistics of accessing a reduced development around the site perimeter with roads and parking would substantially constrain site development. Typical wetland setbacks would further reduce the developable area and would render the proposed project impracticable in terms of cost and logistics. A search for industrial/manufacturing-zoned properties identified four currently available properties with compatible zoning. Three of the sites are between 2.71 and 6.2 acres and would not provide adequate space to accommodate the proposed development. The third site is 55 acres, making purchase impracticable from a cost perspective.

Minimization-

The applicant has limited the development footprint to seven of the ten total acres onsite.

The applicant would implement best management practices during construction to minimize

potential project-related impacts to surrounding areas and to water quality downstream of the project site.

Proposed Mitigation–

To offset impacts to the 1.382-acre seasonal wetland feature, the applicant has proposed mitigation at a 6:1 ratio as described below. The mitigation ratio was calculated using the Corps South Pacific Division Standard Operating Procedure for Determination of Mitigation Ratios.

The applicant would purchase 6:1 offsite mitigation credits from the Corps-approved Wildlands, Inc., Deadman Creek vernal pool preservation bank as follows:

- **1.382 acres of impact x 6 = purchase of 8.292 acres of vernal pool preservation credits.**

The overall goal of the Deadman Creek Vernal Pool Preservation Bank is to manage the grassland-vernal pool landscape to ensure that habitat conditions benefit the continued existence of and recovery efforts for the vernal pool fairy shrimp and other listed species.

Additionally, to satisfy Regional Water Quality Control Board (RWQCB) compensatory mitigation requirements within the project site watershed, the applicant is required to purchase 3:1 in-watershed mitigation credits from the non-Corps-approved Land Conservancy of San Luis Obispo County's (LCSLO) Lower San Luis Obispo Creek Floodplain Preserve as follows:

- **1.382 acres of impact x 3 = purchase of 4.146 acres of enhancement credits.**

The LCSLO has developed an eradication program for Cape ivy (*Delairea odorata*) removal over a five-year period from a section of creek with adjacent road access within 15 miles of the Land Conservancy field station. The mitigation restoration credits assume passive restoration of the creek with volunteer native plant growth following the Cape ivy removal. NOTE: Although this portion of the compensatory mitigation proposal satisfies RWQCB requirements it does not meet the requirements of the Corps/Environmental Protection Agency mitigation rule. The Corps cannot accept this non-mitigation-rule-compliant local mitigation option as compensatory mitigation for impacts to waters of the United States, however we did consider the in-watershed 3:1 offset in applying the Corps "South Pacific Division Standard Operating Procedure for Determination of Mitigation Ratios" to calculate the Corps-required 6:1 compensatory mitigation ratio.

Proposed Special Conditions

Special conditions to ensure minimization of impacts to aquatic and other environmental resources will be identified through the environmental assessment and permit application review processes, and incorporated into the Corps permit for the Project.

For additional information please contact Lisa Mangione of my staff at (805) 585-2150 or via e-mail at Lisa.Mangione@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.




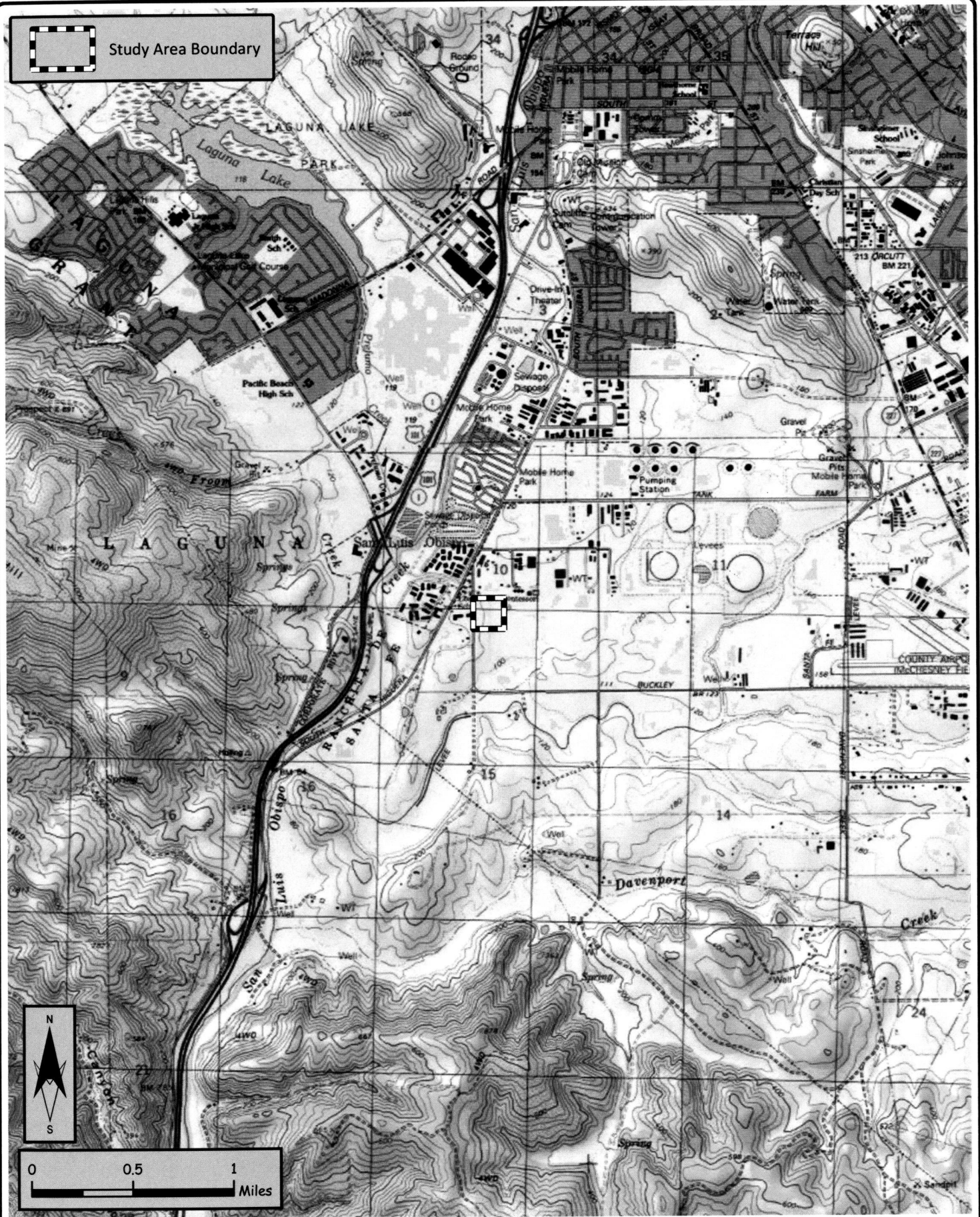
Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

**DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**

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 Study Area Boundary



Sports Warehouse Properties, LLC

Figure A-1

Vachell Lane/Venture Drive Industrial/Manufacturing Development

Regional Location



0 0.1 0.2 Miles

Study Area Boundary

Sports Warehouse Properties, LLC

Figure A-2

Vachell Lane/Venture Drive Industrial/Manufacturing Development

Vicinity Aerial Photo

Studio Design Group
10000 W. 10th Ave., Suite 100
Denver, CO 80202
Tel: 303.733.1343
Fax: 303.733.1344

ARCHITECT
REGISTERED PROFESSIONAL

XXX

SCALE: 1" = 100'-0"



DATE: 11/11/11
PROJECT: VACHHELL LN/ VENTURE DR
SHEET: 1 OF 1

SITE PLAN REF. NOTES

1. SITE OF BUILDING IS ADJACENT PROPERTY.
2. SETBACKS SHALL BE AS SHOWN.
3. ALL UTILITIES SHALL BE AS SHOWN.
4. ALL UTILITIES SHALL BE AS SHOWN.
5. ALL UTILITIES SHALL BE AS SHOWN.
6. ALL UTILITIES SHALL BE AS SHOWN.
7. ALL UTILITIES SHALL BE AS SHOWN.
8. ALL UTILITIES SHALL BE AS SHOWN.
9. ALL UTILITIES SHALL BE AS SHOWN.

Parking Calculation:

Office Area @ 1 person/1000 sq ft
32,765 sq ft @ 1.00 person
328 persons

Manufacturing @ 1 person/1000 sq ft
10,000 sq ft @ 1.00 person
100 persons

Warehouse @ 1 person/1000 sq ft
10,000 sq ft @ 1.00 person
100 persons

Outdoor Storage @ 1 person/10000 sq ft
10,000 sq ft @ 1.00 person
100 persons

Total Parking Required:
Circulation: 100
Storage: 100
Total: 200

Total Parking Provided:
100
100
200

USE LEGEND

- 2.45 ac. Building Footprint
- 0.56 ac. Future Building Footprint
- 2.46 ac. Parking and Circulation
- 2.38 ac. Landscaping
- 1.26 ac. Drainage/Stormwater Detention
- 0.89 ac. Other Public Improvements (curb & gutter, setbacks, roadway frontage)

10.0 ac. Total

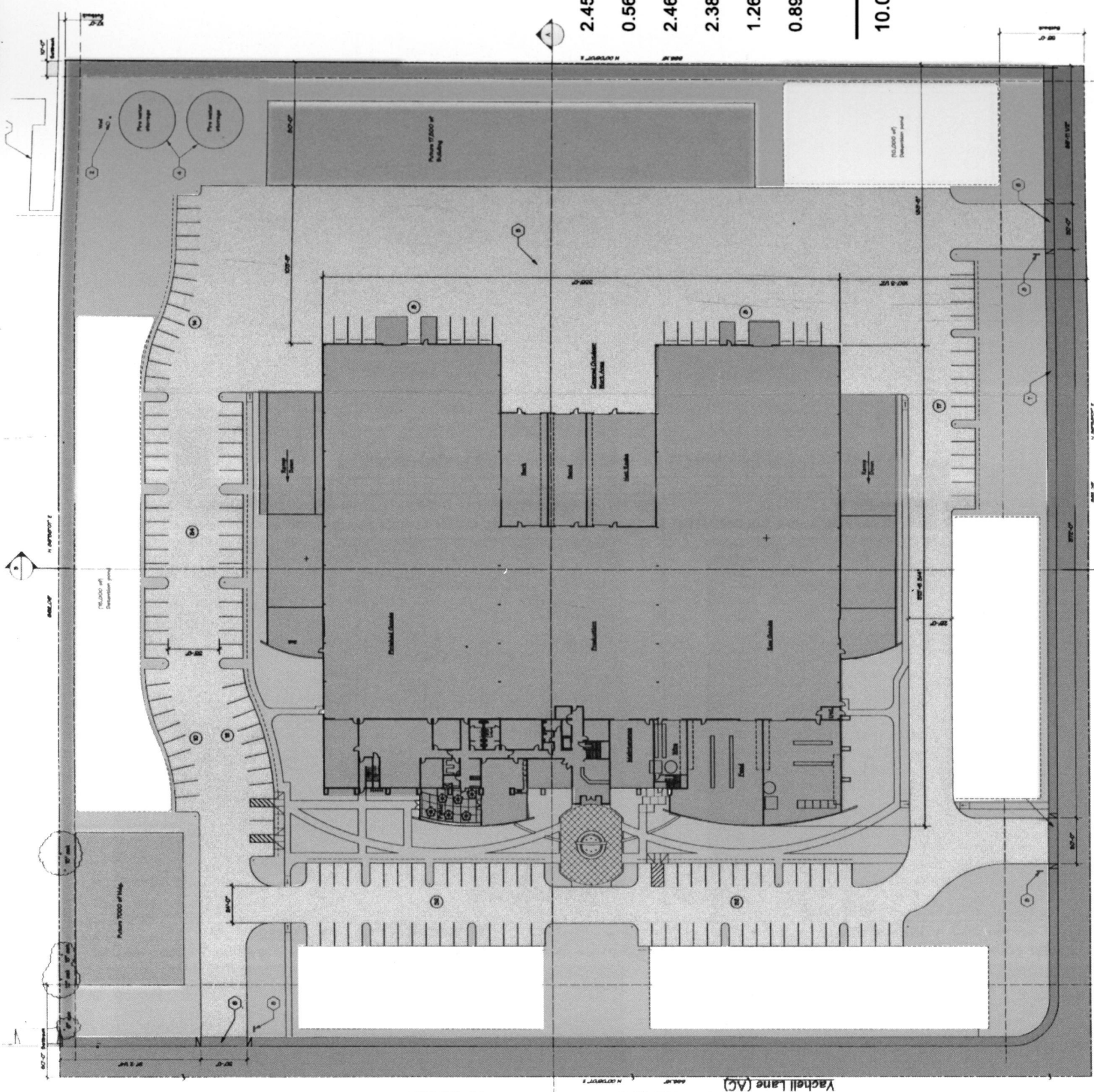
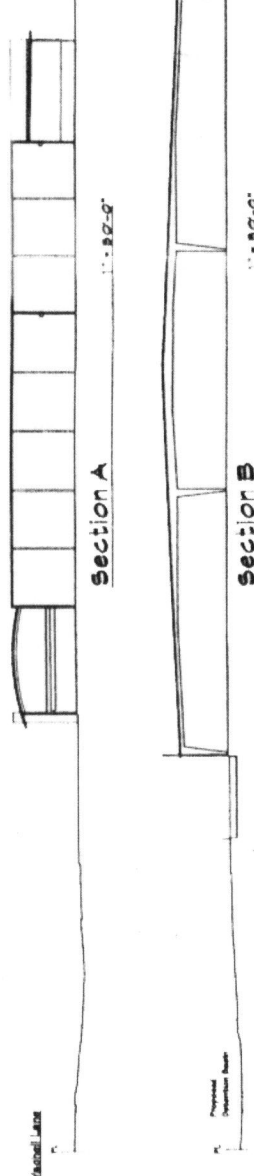


Figure A-3 Site Plan



**Vachell Ln/ Venture Dr
Industrial Development**