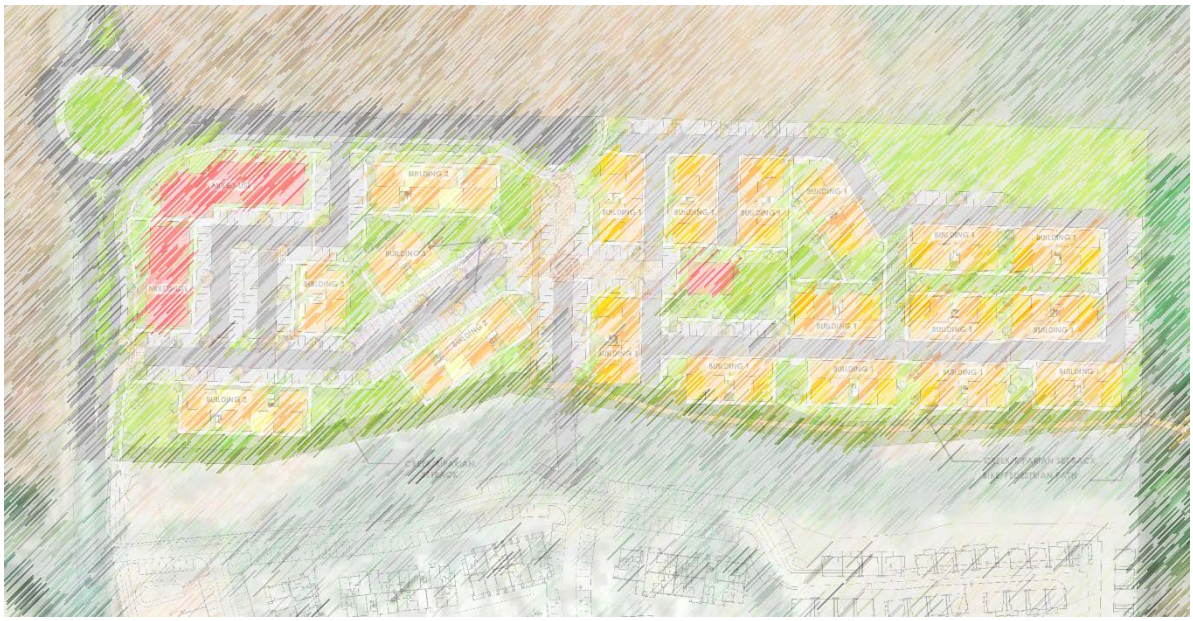

600 Tank Farm Residential Mixed-Use Project

Draft Environmental Impact Report

SCH Number: 2020110426

prepared by

City of San Luis Obispo
Community Development Department
919 Palm Street
San Luis Obispo, California 93401
Contact: Kyle Bell, Associate Planner

prepared with the assistance of

Rincon Consultants, Inc.
1530 Monterey Street, Suite D
San Luis Obispo, California 93401

June 2021

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Table of Contents

Tables

Figures

Appendices

Executive Summary

This document is an Environmental Impact Report (EIR) analyzing the environmental effects of the proposed 600 Tank Farm Residential Mixed-Use Project (proposed project). This section summarizes the characteristics of the proposed project, alternatives to the proposed project, and the environmental impacts and mitigation measures associated with the proposed project.

Project Synopsis

Project Sponsor

Covelop, Inc.
1135 Santa Rosa Street, #210
San Luis Obispo, California 93401

Lead Agency Contact Person

Kyle Bell, Associate Planner
City of San Luis Obispo
Community Development Department
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Project Description

This EIR has been prepared to examine the potential environmental effects of the 600 Tank Farm Residential Mixed-Use Project. The following is a summary of the full project description, which can be found in Section 2, *Project Description*.

The project is located at 600 Tank Farm Road, 130 feet northeast of the intersection of Tank Farm Road and Santa Fe Road, in the southern portion of the City of San Luis Obispo. The conceptual site plan for the project (refer to Section2.5.1, Conceptual Site Plan and Components) depicts mixed-use development of two parcels (Assessor Parcel Numbers [APN] 053-421-002 and 053-421-006) totaling approximately 11.1 acres. Figure 2-1 shows the regional location of the project. Figure 2-2 shows the project site within the local context. As shown, the project site includes portions of the existing Tank Farm Road frontage and planned future Santa Fe Road alignment in addition to the proposed improvements on APNs 053-421-002 and 053-421-006. The relationship of these locations to the proposed project are described in Section 2.5.2, Transportation Improvements. Collectively, these components comprise the project site for the purposes of this EIR. Figure 2-3 shows photos of the existing project site.

The project site slopes from the northwest to southeast, with site elevations at 210 feet mean sea level (msl) in the northwest corner of the property and 150 feet msl at the southeast corner of the property. APNs 053-421-002 and 053-421-006 are bound by Tank Farm Road to the south, Acacia Creek to the east, Damon-Garcia Sports Fields to the north, and undeveloped Chevron property to the west. The San Luis Obispo City limit line follows the southern and western boundary of the project site and parallels the southern side of Tank Farm Road south of the project site. The

northern boundary of the San Luis Obispo County Regional Airport is located approximately 1,400 feet south of the project site, with the nearest airport use being the northwestern end of Runway 11-29.

CURRENT LAND USE DESIGNATION AND ZONING

The project site is located within the Airport Area Specific Plan (AASP) and is currently designated Business Park (BP) with a small portion of the property within the Conservation Open Space (C/OS) zone delineating a portion of Acacia Creek, which is primarily located on the adjacent property to the east. As identified in the AASP Land Use Program and Development Capacities Table 4-1, the Specific Plan assumes that estimated buildout in the BP designation would be based on a 0.21 floor area ratio (FAR). Therefore, the existing development potential of the 11.1-acre site is approximately 101,500 square feet of business park development.

PROJECT SITE AND SURROUNDING LAND USES

The project site is currently used for vehicle parking and construction material storage. The site has been impacted by the existing uses as well as previous grading and rock quarry activities. The project site is bordered by Tank Farm Road to the south, Acacia Creek to the east, Damon-Garcia Sports Fields to the north, and undeveloped Chevron property to the west. The San Luis Obispo City limit line follows the southern and western boundary of the project site and parallels the southern side of Tank Farm Road south of the project site (refer to Figure 2-4). The Damon-Garcia Sports Fields property north of the project site is designated Public Facilities (PF). Acacia Creek east of the project site is designated Conservation Open Space (C/OS) and the mobile home park east of the creek is designated Service Commercial with the Specific Plan overlay (C-S-SP). The undeveloped Chevron property west of the project site boundary is designated Commercial Service and Industrial by San Luis Obispo County. The undeveloped property south of Tank Farm Road is designated Recreation by San Luis Obispo County.

Properties east of the project site located at 650 Tank Farm Road and 660 Tank Farm Road include approved entitlements for development of residential mixed-use and assisted living facilities, depicted on Figure 2-4 in Section 2, *Project Description*.

Project Characteristics

The proposed project involves zoning-level entitlements: a General Plan Map Amendment, a rezone of the property, a Specific Plan Amendment to the AASP (proposed amendments are shown in Appendix A), a Minor Use Permit for a mixed-use project, Conceptual Site Plan, Major Development Review, and a Development Agreement. Approval of these entitlements would allow a final Development Plan (consistent with the requirements of the granted entitlements), including grading permits, improvement plans and building permits to be handled by the City as ministerial approvals.

The General Plan Map Amendment is necessary to change the project site's land use designation in the City's Land Use Element in order to reflect proposed development. The Specific Plan Amendment would change the site's land use designation accordingly and would also make associated text amendments to the AASP, as follows:

1. Amend all AASP tables and text to reflect the addition of 240 high density units, 40 mixed-use units, and 12,500 square feet of commercial-service/office space for the project site;
2. Modify the road section figures to reflect modifications to Tank Farm Road and Santa Fe Road consistent with traffic projections and full buildout of the circulation system;

3. Describe necessary setback of improvements and buildings to delineated wetland areas in conformance with project Biological Assessments;
4. Update references to the SLO County Regional Airport Land Use Plan and describe the safety zones in the updated Airport Land Use Plan anticipated to be adopted concurrent with or prior to the project by the Airport Land Use Commission.

The requested entitlements would allow for 280 total residential units.

CONCEPTUAL SITE PLAN AND COMPONENTS

Residential and Mixed-Use Rezone

The project entitlements would change the land use designation from Business Park to Service Commercial with the Specific Plan overlay (C-S-SP), which would allow a mixed-use project providing up to 280 residential units and commercial-service/office uses defined in AASP Table 4.3. Figure 2-5 in Section 2, *Project Description* shows the proposed conceptual site plan for the project.

The project site would be developed at a density of 25.7 units per acre, with shared public and private open spaces, common yards, and a recreation center with a community building. The proposed residential development would include a mix of one-bedroom, two-bedroom, and three-bedroom units. Balconies and outdoor activity areas would be located on the north and east faces of the buildings to minimize exposure to vehicle noise from Tank Farm Road and aircraft flyovers from the San Luis Obispo County Regional Airport located south of the project site. The proposed zoning would allow for up to 12,500 square feet of commercial-service/office space, which would be located in Buildings 21 and 22 shown in Figure 2-5. As shown in Figure 2-5, there are three main residential building types proposed (shown as “Type A,” “Type B,” and “Type C”); however, all buildings would be of similar architectural style.

Table ES-1 provides the proposed project characteristics, including the mix of residential unit types and building area for the primary components of the project. The applicant intends to provide a portion of the proposed units below the average size, consistent with the project objective to provide a variety of housing opportunities and affordability levels (refer to the project objectives below). The proportion of units below average size would be established through an affordable housing plan. An affordable housing plan has not yet been submitted by the project applicant but is not required to support the EIR analysis.

Table ES-1 Project Characteristics

Unit Occupancy Type[1]	Size (sf)	Units	Residential Area (sf)	Non-Residential Area (sf)	Acres (net)	Units/Acre[2]
R3 Occupancy (1-, 2- and 3-beds)	750-1,450	140	154,000	n/a	6.5	21.7
R4 Occupancy (studio, 1-, and 2-bed)	600-925	100	85,700	n/a	2.9	34.7
Mixed Use (studio and 1-bed)	450-625	40	21,500	12,500	1.5	26.3
Total	**450-1,450**	**280**	**261,200**	**12,500**	**10.9**	**25.7**

[1] Occupancy classification is the formal designation of the primary purpose of the building and pursuant to the California Building Code, structures are classified with one or more occupancy groups. R3 occupancy are for when the occupants are primarily permanent in nature, R4 occupancy is for a use type for more than 4 people but no more than 16 who reside on a 24 hour basis and receive custodial care, Mixed Use occupancy contains more than one occupancy group.

[2] "Density Units" as defined by the City of San Luis Zoning Ordinance (Density Units are the number of dwellings per net acre, based on dwelling size and number of bedrooms, i.e., studio unit under 600 square feet equals 0.5 Density Units, while a two-bedroom unit equals 1.0 Density Units).

sf = square feet

Other Project Components

The project includes a 2,250-square foot clubhouse building with a 2,800-square foot patio area. The clubhouse building would provide meeting areas, an indoor game area, a common lounge, administrative office area, and a community kitchen. The building would also serve as a temporary sales office and an administrative building during project sales and construction.

City development regulations specify a setback for Acacia Creek of 35 feet, Figure 2-5 in Section 2, *Project Description* shows the location of the top of bank for Acacia Creek near the project site. The Zoning Regulations section 17.70.030 requires a 35-foot setback from the top of bank for new structures. The proposed project is requesting a minimum setback of approximately 10 feet from the average top of bank for a bicycle/pedestrian path to connect to Damon-Garcia Sports Fields (and an average shared-use path of 20 feet) and a minor exception for a maximum 15-foot encroachment into the setback for portions of Buildings 6, 7 and 13 from the average top of bank. Zoning Regulations section 17.70.030 stipulate that an exception to the creek setback requirements may be considered where substantiated evidence is available that will result in better implementation of other Zoning Regulations or General Plan policies while allowing reasonable use of the site, and specific findings can be made by the decision-making body. The Biological Resources Assessment (BRA) prepared for the project by Kevin Merk Associates, LLC (Appendix B) concludes the encroachment area will not threaten sensitive species or the riparian corridor. In order to further the purposes of Zoning Regulations section 17.70.030, the project proposes an increase in the riparian setback elsewhere along the corridor, such that it averages approximately 40 feet. Proposed building and landscape setbacks along Tank Farm Road range from 10 to 15 feet (including the public sidewalk in a pedestrian easement), and 5 to 15 feet along Santa Fe Road.

The project's required creek setbacks, common areas and open space in the northwest corner of the project site would result in 20 percent of the site being landscaped common open space, including play areas, tot lots, and landscape parkways. The project would require removal of twelve (12) non-native ornamental trees on the project site. Native vegetation is associated with the Acacia Creek corridor along the west side of the project site; however, no native trees are proposed to be removed.

Bike and pedestrian trips would be facilitated by a proposed connection to the 650 Tank Farm Road property and extension of the onsite shared-use path to the shared-use path at the Damon-Garcia Sports Fields to the north. A new bridge connecting the project site to the 650 Tank Farm Road property is planned to be installed by the developer of that property (refer to Figure 205 in Section 2, *Project Description*). The planned bridge connecting the project site to the 650 Tank Farm Road property would provide a secondary emergency access route, pedestrian access and bicycle access. The planned bridge connecting 600 Tank Farm and 650 Tank Farm will not be open to motor vehicle traffic, other than emergency response vehicles.

TRANSPORTATION IMPROVEMENTS

The "area that the project will have to improve" falls within the definition of a project (CEQA Guidelines Section 15378). The project would be required to contribute its fair share toward transportation improvements envisioned in the General Plan Circulation Element and shown in the AASP, either through participation in the City's Transportation Impact Fee program, or as conditions of approval per the circulation recommendations identified in the focused transportation study prepared for the project. Transportation improvements funded or constructed by this project include widening Tank Farm Road along the project frontage (provides two westbound auto lanes, protected bike lanes, curb/gutter, sidewalk and parkway on the north side of the street), construction of a roundabout at the intersection of Tank Farm Road and Santa Fe Road (west), and construction of a portion of the Santa Fe Road Extension north of Tank Farm Road (including two travel lanes, sidewalks and protected bike lanes on the east side). These improvements are included in the City's list of Transportation Capital Projects in the General Plan Circulation Element and Active Transportation Plan and are shown in the AASP. The anticipated area within which these required improvements would be constructed is identified in Figure 2-2 in Section 2, *Project Description* as within the EIR study area.

A Multimodal Transportation Impact Study (TIS) has been completed by Central Coast Transportation Consulting in support of the City's General Plan Circulation Element consistency evaluation. The TIS is included in the Environmental Impact Report (EIR) as Appendix B to inform the City's final determination of transportation improvements that would be required to support the project for conformance with local policies outside of CEQA. A conceptual rendering of the potential transportation improvements in the vicinity of the Santa Fe Road/Tank Farm Road intersection are shown in Figure 2-6 in Section 2, *Project Description*.

GRADING AND DRAINAGE

The project site would be stepped in four 5-foot sections/benches, with an upper bench of approximately 160-168 feet msl in the northern portion of the property, a middle bench of approximately 160 feet msl around the central portion of the property, and two lower benches of approximately 152-156 feet msl in the southern portion of the property. Figure 2-7 and Figure 2-8 in Section 2, *Project Description* show the conceptual site sections. The proposed grading, totaling approximately 29,000 cubic feet, would be comprised of approximately 17,000 cubic yards of cut and an additional 12,000 cubic yards of import. Stormwater would be captured in six bioretention areas. The grading would contour the project site for stormwater to drain from west to east toward localized surface bioswales adjacent to Acacia Creek, which would drain toward an existing retention basin in the southeast corner of the site. This basin would discharge into Acacia Creek at the pre-development rate as required by the City's Drainage Master Plan and the City's storm water regulations. There is also an existing drainage pipe under Tank Farm Road that permits site drainage to the south.

CONSTRUCTION AND PHASING

The project is planned to be constructed in two phases. Phase 1 would include 124 multifamily residential units on the central portion of the project site, the completion of Santa Fe Road along the project frontage, completion of the shared-use bicycle/pedestrian path along Acacia Creek connecting bicycles and pedestrians from Tank Farm to Damon-Garcia Sports Fields, construction of the Tank Farm Road/Santa Fe Road (west) roundabout (north, west and east legs with two westbound lanes and one eastbound lane) and the completion of the frontage improvements along Tank Farm road. Phase 2 would include 116 multifamily residential units, 40 mixed-use units and 12,500 square feet of commercial-service/office space, and remaining project improvements. The conceptual phasing plan is shown in Figure 2-9 in Section 2, *Project Description*.

UTILITIES

The City of San Luis Obispo Utilities Department provides water and wastewater services, and the Public Works Department provides stormwater services. Pacific Gas and Electric (PG&E) supplies electricity. Per the City's Clean Energy Choice Program, the project would construct all-electric buildings that would not rely on natural gas as an energy source.

GREEN BUILDING FEATURES

The project includes energy efficiency measures including an all-electric design and the installation of solar panels. In addition, shared cars would be provided at a minimum rate of one car per 50 units to reduce the need for additional vehicles in each housing unit. The project includes a preference program for housing units for workers within a 1.5-mile radius of the project site to encourage commuting without the use of vehicles.

Project Objectives

1. Develop an economically feasible plan that is consistent with, and implements, policies within the City's General Plan and AASP.
2. Establish a complete internally and externally "linked" mixed use community with amenities such as neighborhood parks and commercial goods and services that can serve the neighborhood.
3. Provide a variety of housing opportunities for a wide range of socioeconomic groups and affordability levels, and at average unit sizes that are below current City averages.
4. Develop a Project with the maximum number of units permitted by the underlying zoning, approximately 280 residential units, with approximately 261,200 square feet of total residential floor space and 12,500 square feet of commercial floor space.
5. Develop the Acacia Creek frontage in a manner that provides that area as a Project amenity without jeopardizing the creek's biological resources or riparian qualities.
6. Implement the City-planned Tank Farm Road/Santa Fe Road (west) roundabout and infrastructure improvements to improve traffic flow and safety for all road users in a manner that does not exceed the level of impact fees generated on-site over the buildout of the project.
7. Provide a well-connected internal network of bicycle paths, pedestrian sidewalks, open space buffers, private parks, and spaces for recreational activities, including development of a shared-use bicycle/pedestrian path between Tank Farm Road and Damon-Garcia Sports

Fields within the 35' creek setback, and protected bike lanes consistent with the Active Transportation Plan.

8. Provide City-identified roadway network improvements that meet current and long-term traffic projections with preference for non-vehicular traffic modes.
9. Market and orient the project to the surrounding employers to reduce vehicle miles travelled and to maximize the use of non-vehicular traffic modes.
10. Develop a project that complies with the safety, noise and overflight policies of the City's Airport Overlay Zone and the San Luis Obispo County Airport Land Use Plan.

Alternatives

As required by the California Environmental Quality Act (CEQA), this EIR examines alternatives to the proposed project. Studied alternatives include the following three alternatives. Based on the alternatives analysis, Alternative 3 was determined to be the Environmentally Superior Alternative.

- Alternative 1: No Project (No Build) Alternative
- Alternative 2: No Project (Existing Land Use Designation – Business Park) Alternative
- Alternative 3: 2020 Climate Action Plan Consistent Alternative

Alternative 1, No Project (No Build) Alternative. Alternative 1 assumes the project is not approved and none of the proposed components – including the General Plan Map Amendment, rezone, Specific Plan Amendment to the AASP, Minor Use Permit for a mixed-use project, Conceptual Site Plan, Major Development Review, and Development Agreement – would be implemented. This alternative assumes the project site is not developed with the proposed residential mixed-use project. Under this alternative, the project site would continue to be used for vehicle parking and construction material storage.

Alternative 2, No Project (Existing Land Use Designation – Business Park) Alternative. Alternative 2 assumes the project is not approved and envisions the potential buildout of the project site based on the property's existing land use designation. The project site is located within the Airport Area Specific Plan (AASP) and is currently designated Business Park (BP) with a small portion of the property within the Conservation Open Space (C/OS) zone delineating a portion of Acacia Creek which is primarily located on the adjacent property to the east. The BP land use designation provides for research and development and light manufacturing in a campus setting. As identified in the AASP Land Use Program and Development Capacities Table 4-1, the Specific Plan assumes that estimated buildout in the BP designation would be based on a 0.21 floor area ratio (FAR). Therefore, the existing development potential of the 11.1-acre site is approximately 101,500 square feet of business park development.

Alternative 2 would meet objectives 1, 5, 6, 7, 8, and 10 described in Section 2.6, *Project Objectives*, in Chapter 2, *Project Description*, of this EIR, but would fail to meet objectives 2, 3, 4, and 9, which relate specifically to providing housing and/or mixed-use residential opportunities on the site.

Alternative 3, 2020 Climate Action Plan Consistent Alternative. Alternative 3 envisions development of similar land uses to the proposed project, but in a manner that would be consistent with the City's 2020 CAP. Consistency with the City's 2020 CAP would be achieved through two changes to the proposed project: reducing the scale of the project so it would be less GHG-intensive than development anticipated for the existing General Plan land use designation for the site and

providing carbon-free electricity to on-site development through Central Coast Community Energy to ensure consistency with the City's CEQA GHG Emissions Analysis Compliance Checklist.

As described in Section 6.3 of the 2020 CAP, for projects that would result in a change in the General Plan land use designation, emissions anticipated for the existing General Plan land use designation must be calculated in conjunction with emissions for the proposed project to demonstrate whether the project would be more or less GHG-intensive than development anticipated for the existing General Plan land use designation for the site. As a result, achieving consistency with the 2020 Climate Action Plan would require reducing the scale of the project such that the estimated GHG emissions from this alternative would not exceed the estimated total annual emissions associated with potential development under the existing land use designation. As shown in Table 6-1, the 50% Reduced Project Alternative was found to result in approximately 591 MT CO_2e per year, in comparison to approximately 694 MT CO_2e per year from potential development under the existing land use designation and 1,183 MT CO_2e per year from the proposed project.

For projects that would result in less GHG-intensive development than anticipated for the existing General Plan land use designation for the site can use the City's CEQA GHG Emissions Analysis Compliance Checklist to demonstrate consistency with the 2020 CAP's GHG emissions reduction strategy, and if consistent, can tier from the existing programmatic environmental review contained in the adopted Initial Study-Negative Declaration (IS-ND) for the 2020 CAP. As a result, in addition to reducing the scale of this alternative, Alternative 3 would also provide carbon-free electricity through Central Coast Community Energy to ensure consistency with the with the City's CEQA GHG Emissions Analysis Compliance Checklist.

Incorporating the two changes to the proposed project described above, Alternative 3 would include similar entitlements to the proposed project, but the conceptual site plan would instead allow development of up to 120 high density residential units, 20 mixed-use units, 6,250 square feet of commercial-service/office space, and a 1,125-square foot clubhouse building on the 11.1-acre project site. Alternative 3 would also provide carbon-free electricity through Central Coast Community Energy. As discussed in detail in 6.5, Impact Analysis, reducing the scale of the project so it would be less GHG-intensive than development anticipated for the existing General Plan land use designation for the site and providing carbon-free electricity to on-site development through Central Coast Community Energy to ensure consistency with the with the City's CEQA GHG Emissions Analysis Compliance Checklist would result in a project alternative that would be consistent with the City's 2020 CAP, and would reduce the project's significant and unavoidable GHG impact to a less than significant level.

Alternative 3 would meet the ten project objectives described in Section 2.6, *Project Objectives*, in Chapter 2, *Project Description*, of this EIR, but due to the reduced scale of the project, Alternative 3 would meet objectives 1, 2, 3, 4, 6, and 8 to a lesser extent than the proposed project.

Refer to Section 6, *Alternatives*, for the complete alternatives analysis.

Areas of Known Controversy

The EIR scoping process did not identify any areas of known controversy for the proposed project. Responses to the Notice of Preparation of a Draft EIR and input received at the EIR scoping meeting held by the City are summarized in Section 1, *Introduction*.

Issues Not Studied in Detail in the EIR

Section 4.11, Impacts Addressed in the Initial Study, summarizes issues from the environmental checklist that were addressed in the Initial Study. As indicated in Section 4.11 and in the Initial Study, there is no substantial evidence that significant impacts would occur to the following issue areas: Aesthetics, Agricultural Resources, Geology/Soils, Mineral Resources, Population/Housing, Public Services, Recreation, Transportation, and Wildfire. Impacts to Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Energy, Greenhouse Gas Emissions, Hazards, Hazardous Materials, Safety, Hydrology and Water Quality, Land Use and Planning, Noise, and Utilities and Service Systems were found to be potentially significant and are addressed in this EIR.

Summary of Impacts and Mitigation Measures

Table ES-2 summarizes the environmental impacts of the proposed project, proposed mitigation measures, and residual impacts (the impact after application of mitigation, if required). Impacts are categorized as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per §15093 of the CEQA Guidelines.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under §15091 of the CEQA Guidelines.
- **Less than Significant.** An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures.
- **No Impact:** The proposed project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Table ES-2 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

Impact	Mitigation Measure (s)	Residual Impact
Air Quality		
Impact AQ-1. Emissions associated with project construction and operation would not exceed applicable SLOAPCD thresholds for local or regional emissions. This impact would be less than significant.	None required	Less than significant
Impact AQ-2. Emissions associated with project construction and operation would not exceed applicable SLOAPCD thresholds for local or regional emissions. This impact would be less than significant.	None required	Less than significant
Impact AQ-3. The project would not expose sensitive receptors to substantial pollutant concentrations from CO hotspots or diesel particulate matter. However, project construction could expose sensitive receptors to San Joaquin Valley Fever and naturally-occurring asbestos. These impacts would be less than significant with mitigation	**AQ-3(a) Valley Fever Suppression Measures.** The project developer and contractor(s) shall prepare a Construction Valley Fever Plan to ensure the implementation of the following measures during construction activities to reduce impacts related to Valley Fever. a. If peak daily wind speeds exceed 15 mph or peak daily temperatures exceed 95 degrees Fahrenheit for three consecutive days, additional dust suppression measures (such as additional water or the application of additional soil stabilizer) shall be implemented prior to and immediately following ground disturbing activities. The additional dust suppression shall continue until winds are 10 mph or lower and outdoor air temperatures are below a peak daily temperature of 90 degrees for at least two consecutive days. b. Heavy construction equipment traveling on un-stabilized roads within the project site shall be preceded by a water truck to dampen roadways and reduce dust from transportation along such roads. c. The project developer(s) shall notify the San Luis Obispo County Public Health Department and the City not more than 60 nor less than 30 days before construction activities commence to allow the San Luis Obispo County Public Health Department opportunity to provide educational outreach to community members and medical providers, as well as enhanced disease surveillance in the area both during and after construction activities involving grading. d. Prior to any project grading activity, the project construction contractor(s) shall prepare and implement a worker training program that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction, including the fact that certain ethnic groups and immune-compromised persons are at greater risk of becoming ill with Valley Fever. The objective of the training shall be to ensure the workers	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
	are aware of the danger associated with Valley Fever. The worker training program shall be included in the standard in-person training for project workers and shall identify safety measures to be implemented by construction contractors during construction. Prior to initiating any grading, the project developer shall provide the City and the San Luis Obispo County Public Health Department with copies of all educational training material for review and approval. No later than 30 days after any new employee or employees begin work, the project developer shall submit evidence to the City that each employee has acknowledged receipt of the training (e.g., sign-in sheets with a statement verifying receipt and understanding of the training). e. The developer shall work with a medical professional, in consultation with the San Luis Obispo County Public Health Department, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site that includes the following information on Valley Fever: ▪ Potential sources/causes ▪ Common symptoms ▪ Options or remedies available should someone be experiencing these symptoms ▪ The location of available testing for infection Prior to construction permit issuance, this handout shall have been created by the developer and reviewed by the City. No less than 30 days prior to any surface disturbance (e.g., grading, filling, trenching) work commencing, this handout shall be mailed to all existing residences within three miles of the project site. **AQ-3(b) Naturally Occurring Asbestos Air Toxics Control Measure Compliance**. The project developer shall prepare a geologic evaluation to determine and describe the extent of serpentine rock on the project site. Depending on the conclusions of the geologic evaluation, the developer shall prepare and file: ▪ An exemption request form (if no serpentine is present); ▪ A Mini Dust Control Measure Plan (if less than 1 acre of serpentine is present); or ▪ An Asbestos Dust Control Measure Plan (if more than 1 acre of serpentine is present). If the project requires either a Mini Dust Control Measure Plan or an Asbestos Dust Control Measure Plan, the developer would be required to submit the geologic evaluation and Mini Dust Control Measure Plan or an Asbestos Dust Control Measure Plan to SLOAPCD for approval prior to the issuance of grading permits for the first project phase	
Cumulative Air Quality Impact. The project would not contribute considerably to a potential Clean Air Plan consistency impact or expose sensitive receptors to a cumulatively considerable impact associated with CO hotspots, TACs, or valley fever.	None required	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
Biological Resources		
Impact BIO-1. Construction of the project would impact special status plant and animal species. This impact would be potentially significant, requiring mitigation	**BIO-1(a) Construction Best Management Practices**. The applicant shall ensure the following general wildlife Best Management Practices (BMPs) are required for construction activities for the project: ▪ Ground disturbance shall be limited to the minimum necessary to complete construction activities. Construction limits of disturbance shall be flagged. All equipment and material storage, parking, staging and other support areas shall be identified prior to issuance of a grading permit. Areas of special biological concern within or adjacent to construction limits shall have highly visible orange construction fencing installed between said area and the limits of disturbance. ▪ All project construction activities shall occur during daylight hours (i.e., between sunrise and sunset) and during dry weather conditions. Night lighting shall be prohibited. ▪ Upon completion of construction all excess materials and debris shall be removed from the project construction area and disposed of appropriately. ▪ The work area shall remain clean. All food-related trash items shall be enclosed in sealed containers and removed from the site weekly. ▪ Pets and firearms shall be prohibited at the construction site. ▪ All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from Acacia Creek and in a location where a spill would not drain toward aquatic habitat. A plan must be in place for prompt and effective response to any accidental spills prior to the onset of work activities. All workers shall be informed of the appropriate measures to take should an accidental spill occur. ▪ To control sedimentation during and after project implementation, appropriate erosion control BMPs (e.g., use of coir rolls, jute netting, etc.) shall be implemented to minimize adverse effects to Acacia Creek. No plastic monofilament netting shall be utilized on site. ▪ All equipment operating within aquatic habitat shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access. ▪ At the end of each workday, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment. ▪ All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling. Stockpiles of chemicals, drums, bagged materials, and other hazardous materials such as propane, acetylene shall have pallets and/or secondary containment. Should a material spills occur, City compliance monitoring staff shall be informed of the spill and materials and/or contaminants shall be cleaned from the project construction area and recycled or disposed of to	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
	the satisfaction of the City and in accordance with all applicable local, State, and federal regulations **BIO-1(b) Worker Environmental Awareness Program Training.** Prior to the initiation of construction activities (including staging and mobilization), a qualified biologist shall provide all personnel associated with project construction with a Worker Environmental Awareness Program (WEAP) training. The training will aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and avoidance measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer documenting they have attended the WEAP and understand the information presented to them. Fact sheets shall be reviewed and approved by the City prior to conducting the training. The required notification and an attendance log that includes the names and signatures of all personnel that have received the training shall be provided to the City upon completion of the training. The applicant shall notify City compliance monitoring staff of the date and time the training is scheduled so that City staff may attend. **BIO-1(c) Updated Surveys for Infrastructure Improvement Parcels**. Within the portions of the study area not currently owned by the applicant, but where improvements are required to facilitate the project, the applicant shall conduct updated surveys of sensitive species habitats (including special status plant species, CRLF, wetland habitat, and VPFS habitat) within the appropriate season immediately prior to the onset of any ground disturbances associated with project-related construction activities to evaluate the current occupancy of suitable habitat for sensitive species and to refine the final habitat mitigation replacement acreages. Updated surveys for federally listed species shall be completed per the timing and methodology specified by resource agency protocol. If special status plant species are identified during the updated survey(s), the species shall be incorporated into Special Status Plant Species Mitigation Plan in accordance with BIO-1(e). The plan shall provide a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for impacts to any special status plant species with California Rare Plant Rank (CRPR) of 1 or 2 and a minimum ratio of 1:1 for special status plant species with CRPR 3 or 4. If a federally and/or state listed plant species is identified during the surveys, the applicant shall avoid all impacts to the species. If avoidance is infeasible, the applicant shall consult with the City and the United States Fish and Wildlife Service and/or California Department of Fish and Wildlife, as applicable, for authorization of take. If CRLF is identified during the survey(s), BIO-1(f) shall be implemented during project construction of the study area not	

Impact	Mitigation Measure (s)	Residual Impact
	currently owned by the applicant to ensure no take of individual CRLF. If VPFS are identified during the survey(s), BIO-1(d) shall be implemented during project construction of the study area not currently owned by the applicant to ensure no take of individual VPFS. If vernal marsh or other season wetland habitat is identified during the survey(s) and impacts to season wetland habitat cannot be avoided, a formal jurisdictional delineation shall be completed for the feature(s). Impacts to the habitat shall be included in the Habitat Mitigation and Monitoring Plan as detailed in BIO-2(b). **BIO-1(d) Vernal Pool Fairy Shrimp Mitigation Plan**. If VPFS are present within the study area and may be impacted by project-related construction, a Vernal Pool Fairy Shrimp Mitigation Plan shall be prepared which provides a minimum ratio of 1:1 (number of acres restored to number of acres impacted) for impacts to VPFS. The plan shall identify the specific mitigation sites and can be prepared in conjunction with the Habitat Mitigation and Monitoring Plan (BIO-2(b)). The plan shall include, at a minimum, the following components: ▪ Description of the project/impact site (i.e. location, responsible parties, areas to be impacted); ▪ Goal(s) of the compensatory mitigation project [area(s) of vernal pool fairy shrimp habitat to be established and/or preserved; ▪ Description of the proposed compensatory mitigation receiver site(s) (location and size, ownership status, existing conditions of the compensatory mitigation site); the receiver site(s) shall be at least the size as the area currently occupied by the current population to ensure the replacement ratio is achieved; ▪ Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan); ▪ Maintenance activities during the monitoring period, as appropriate (activities, responsible parties, schedule); ▪ Monitoring plan for the compensatory mitigation site, (performance standards, target acreages to be established, and/or preserved, annual monitoring reports); ▪ Success criteria based on the goals and measurable objectives; ▪ An adaptive management program and remedial measures to address negative impacts to restoration efforts; ▪ Notification of completion of compensatory mitigation and agency confirmation; and ▪ Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).	

BIO-1(e) Special Status Plant Mitigation Plan. A Special Status Plant Mitigation Plan shall be prepared by a qualified botanist approved by the City, which will provide a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for impacts to Congdon's tarplant and a minimum ratio of 1:1 for Cambria morning-glory. If project construction has not occurred by January 1, 2024, seasonally timed botanical surveys shall be conducted to determine the current extent of the special status plant species populations on site. The plan shall identify the specific mitigation sites and can be prepared in conjunction with the Habitat Mitigation and Monitoring Plan (BIO-2(b)). The plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e. location, responsible parties, areas to be impacted by habitat type);
- Goal(s) of the compensatory mitigation project [area(s) of special status plant species to be established and/or preserved;
- Description of the proposed compensatory mitigation receiver site(s) (location and size, ownership status, existing conditions of the compensatory mitigation site); the receiver site(s) shall be at least twice the size as the area currently occupied by the rare plant occurrences to ensure the replacement ratio is achieved.
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, (performance standards, target acreages to be established, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives;
- An adaptive management program and remedial measures to address negative impacts to restoration efforts;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

BIO-1(f) California Red-Legged Frog Impact Avoidance and Minimization. A qualified biologist(s) shall conduct a pre-construction survey for CRLF within 48 hours prior to the initial onset of initial ground or vegetation disturbing activities. All potentially suitable habitat for CRLF shall be surveyed during the daytime and again after dark. The surveys shall include all areas where project construction activities will occur, as well as a 300-foot buffer upstream and downstream of the project

boundary in Acacia Creek. If no individuals are found during the pre-construction survey, work may proceed with monitoring as described below. If CRLF is found and the individual is likely to be injured or killed by work activities, all work must stop and the individual will be allowed to move out of harm's way of its own volition then the applicant/developer shall comply with all relevant requirements of the FESA prior to resuming project activities.

A qualified biologist(s) shall monitor the removal of material and debris piles that may contain cover for CRLF. If CRLF is identified within the construction area during project construction, ground-disturbing activities shall immediately cease, and the individual will be allowed to move out of harm's way of its own volition before work activities may begin. If the individual does not move out of harm's way, the USFWS shall be notified and consulted. Ground-disturbing activities shall commence following guidance from the USFWS and the City. No CRLF shall be captured, handled, or relocated without approval by the USFWS.

BIO-1(g) Southwestern Pond Turtle and Western Spadefoot Impact Avoidance and Minimization. A qualified biologist(s) shall conduct a pre-construction survey for southwestern pond turtle and western spadefoot within 48 hours prior to the initial onset of initial ground or vegetation disturbing activities. All potentially suitable habitat for southwestern pond turtle, western spadefoot toad within the study area where project-related activities would occur shall be surveyed. If southwestern pond turtle or western spadefoot is found and the individual is likely to be injured or killed by work activities, all work must stop and the individual will be allowed to move out of harm's way of its own volition before work activities may begin. Individuals may be relocated out of harm's way by a qualified biologist, if present, before work activities begin. The biologist(s) must relocate the any pond turtle or western spadefoot the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project.

A qualified biologist(s) shall monitor the removal of material and debris piles that may contain cover for southwestern pond turtle and western spadefoot. If southwestern pond turtle or western spadefoot is found and the individual is likely to be injured or killed by work activities, all work must stop and the individual will be allowed to move out of harm's way of its own volition before work activities may begin. Individuals may be relocated out of harm's way by a qualified biologist, if present, before work activities begin. The biologist(s) must relocate the any pond turtle or western spadefoot the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project.

BIO-1(h) American Badger Impact Avoidance and Minimization. A qualified biologist(s) shall conduct a pre-construction survey for potential American badger dens within one week prior to the initial onset of initial ground or vegetation disturbing activities. The survey shall be conducted within all project work areas and a 50-foot buffer.

Impact	Mitigation Measure (s)	Residual Impact
	Any potential dens/burrows found shall be identified with flagging or stakes, as feasible, and a 50-foot no-work buffer shall be flagged. If any potential American badger dens are found that cannot be avoided by the 50-foot buffer area, a qualified biologist will monitor the dens and employ wildlife trail cameras and/or a tracking medium around dens and monitored daily for at least three days to determine whether they are currently occupied by badgers. If the den is determined not to be occupied by a badger or other special status wildlife species, construction may commence. No dens with young shall be disturbed, and no work shall be conducted within 50 feet of maternal dens until they have left the den. Any occupied badger den that is being used by a single adult with no young that cannot be avoided shall be blocked incrementally by placing sticks or debris over the entrance for three to five days, to discourage the individual from using the den. Only after the badger has left the den, as determined by the qualified biologist implementing the wildlife camera and/or tracking medium methods, can the den be concluded as unoccupied and the work proceed within the no-work buffer. **BIO-1(i) Pallid Bat and Townsend's Big-Eared Bat Impact Avoidance and Minimization**. The applicant shall ensure the following actions are implemented to avoid and minimize potential impacts to special status bat species: Within one week prior to construction activities, including tree removal, a qualified biologist shall conduct a survey of the trees proposed to be removed within the construction area to determine if roosting bats are present during the non-breeding season (November through March). If a colony of bats is found roosting in any tree or structure, further surveys shall be conducted sufficient to determine the species present and the type of roost (day, night, maternity, etc.). If the bats are not part of an active maternity colony, passive exclusion measures may be implemented with approval from the City in consultation with CDFW. Exclusions shall occur outside the breeding season (typically May through August) and winter hibernation (typically December through February). If bats are roosting in tree cavities in the construction area during the daytime but are not part of an active maternity colony, then exclusion measures must include one-way valves that allow bats to get out but are designed so that the bats may not re-enter the roost cavity. **BIO-1(j) Burrowing Owl Impact Avoidance and Minimization**. The following measures shall be implemented in order to avoid and minimize impacts to burrowing owl. a. Not more than 30 days prior to initiation of ground-disturbing activities, and again within 24 hours of the initiation of ground-disturbing activities associated with construction, a City-approved biologist shall conduct a take avoidance survey of the construction area and surrounding areas to a distance of 150 meters, in accordance with the methods outlined in the *Mitigation Methods – Pre-construction and Appendix D Surveys for Take Avoidance of the California Department of Fish and Game* (CDFG; now CDFW) Staff Report on Burrowing Owl Mitigation (CDFG 2012). The pre-construction survey will cover all areas	

Impact	Mitigation Measure (s)	Residual Impact
	within 150 meters of the portion of the site where construction is scheduled to start. Areas within 150 meters that are not accessible due to property access restrictions shall be surveyed using binoculars. Surveys will be phased, based on the grading and construction schedule, such that they are conducted not more than 30 days before the start of ground disturbing activities in new areas. If grading and/or construction activities in portions of the site cease for a period of 14 days, those portions of the site will be resurveyed for burrowing owls prior to the resumption of grading and/or construction activities. If no occupied (breeding or wintering) burrowing owl burrows are identified, no further mitigation would be required. If occupied burrows are identified on the site or within 150 meters of the Project disturbance area, one of the following actions shall be taken: 1) permanent avoidance of the burrow or 2) establishment of a temporary avoidance buffer followed by passive relocation and compensatory mitigation for loss of habitat in conjunction with the measures below: 11. Site-specific, no-disturbance buffer zones shall be established and maintained between Project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFG 2012) or as otherwise determined appropriate by the County-approved biologist in consultation with CDFW. 12. During the non-breeding season, if an occupied burrow cannot be avoided, and the burrow is not actively in use as a nest, the burrowing owls can be excluded from burrows in accordance with an approved Burrowing Owl Exclusion Plan, which shall be prepared and submitted for approval by CDFW prior to passive relocation of any burrowing owls. The Burrowing Owl Exclusion Plan shall be based on the recommendations made in the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 2012) and shall include the following information for each proposed passive relocation: a. Confirmation by site surveillance that the burrow(s) is empty of burrowing owls and other species; b. Identification of type of scope to be used and appropriate timing of scoping; c. Occupancy factors to look for and what shall guide determination of vacancy and excavation timing; d. Methods for burrow excavation; e. Removal of other potential owl burrow surrogates or refugia on site; f. Methods for photographic documentation of the excavation and closure of the burrow; g. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take; h. Methods for assuring the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals; and	

Impact	Mitigation Measure (s)	Residual Impact
	i. Method(s) for compensatory mitigation for burrow loss. **BIO-1(k) Nesting Birds and Loggerhead Shrike Impact Avoidance and Minimization**. Construction activities shall be initiated outside of the typical avian nesting period, between February 1 and August 31, if feasible. All initial site and vegetation disturbance shall be limited to the time period between September 1 and January 31, if feasible. If initial ground disturbing activities and vegetation removal occurs between February 1 and August 31, nesting bird surveys shall be conducted by a qualified biologist for the entire construction area plus a 250-foot buffer within one week prior to initial ground disturbance activities or removal of vegetation. Surveys shall continue to be conducted within the timeframes specified above until all vegetation removal activities are completed. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 50 feet of nests of passerine species, including loggerhead shrike, 250 feet of nests of raptor species until chicks are fledged. Any changes in buffer extent shall be made in consultation with the City. The buffer will be delineated with flagging, and no work shall take place within the buffer area until the young have left the nest, as determined by the qualified biologist.	
Impact BIO-2. The project would indirectly impact riparian habitat associated with Acacia Creek, and would also impact vernal marsh, a sensitive natural community and a potential Federal and/or State Jurisdictional Wetland Feature. Impacts to riparian habitat associated with Acacia Creek would be less than significant; however, impacts to vernal marsh and Federal and/or State wetlands would be potentially significant requiring mitigation.	**BIO-2(a) Jurisdictional Delineation**. If impacts to seasonal wetland habitat cannot be avoided, the applicant shall retain a qualified biologist to complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction of the USACE, RWQCB, and CDFW. The jurisdictional delineation shall be conducted in accordance with the requirement set forth by each agency. The results shall be a preliminary jurisdictional delineation report that shall be submitted to the implementing agency/agencies, USACE, RWQCB, and/or CDFW, as appropriate, for review and approval as part of the permitting process. **BIO-2(b) Prepare a Habitat Mitigation and Monitoring Plan**. A Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared which will provide a minimum 2:1 ratio (number of acres/individuals restored to number of acres/individuals impacted) for temporary and permanent impacts to vernal marsh. The HMMP will identify the specific mitigation sites and can be prepared in conjunction with the Special Status Plant Mitigation Plan. The HMMP will be implemented immediately following project completion. The HMMP shall include, at a minimum, the following components: ▪ Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type); ▪ Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved]; ▪ Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values of the compensatory mitigation site);	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
	▪ Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including plant species to be used, container sizes, seeding rates, etc.]); ▪ Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule); ▪ Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports); ▪ Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 80 percent relative cover by vegetation type; ▪ An adaptive management program and remedial measures to address negative impacts to restoration efforts; ▪ Notification of completion of compensatory mitigation and agency confirmation; and ▪ Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism). **BIO-2(c) Agency Coordination.** Impacts to wetlands as a result of the project are anticipated to require permits from CDFW, USACE, and/or RWQCB. The applicant shall comply with all applicable state and federal permitting requirements. The applicant shall obtain and produce for the City correspondence from applicable state and federal agencies indicating compliance of the proposed development with state and federal laws. **Bio-2(d). Wetland Mitigation**. Impacts to federal and state wetlands (as defined by the Clean Water Act Section 404 and the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State) shall be mitigated at a minimum ratio of 2:1 (acres of wetlands created to acres of wetlands permanently impacted) to meet the performance standard of no net loss of wetland habitat. The mitigation program shall be developed by a qualified biologist and be incorporated into and conform with the requirements for the Habitat Mitigation and Monitoring Plan. The mitigation shall be implemented for no less than five years after construction or until the local jurisdiction and/or the permitting authority (e.g., USACE) has determined that restoration has been successful. Bio-2(e) Jurisdictional Areas Best Management Practices During Construction. The following best management practices shall be required for grading and construction within jurisdictional areas or wetlands where impacts are authorized. In addition, the measures shall be required at locations where construction occurs within 100 feet from jurisdictional areas or wetlands. ▪ Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters (federal	

Impact	Mitigation Measure (s)	Residual Impact
	and state) including locating access routes and ancillary construction areas outside of jurisdictional areas. ▪ To control erosion and sediment runoff during and after project implementation, appropriate erosion control materials shall be deployed and maintained to minimize adverse effects on jurisdictional areas in the vicinity of the project. ▪ Project activities within the jurisdictional areas should occur during the dry season (typically between May 1 and September 30) in any given year, or as otherwise directed by the regulatory agencies. Deviations from this work window can be made with permission from the relevant regulatory agencies. ▪ During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site. ▪ All project-generated debris, building materials, and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them. ▪ Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering jurisdictional areas. All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.	
Impact BIO-3. The project would have an adverse effect on the riparian wildlife movement corridor associated with Acacia Creek. This impact would be less than significant	None required	Less than significant
Impact BIO-4. The project would not conflict with any local policies or ordinances protecting biological resources. This impact would be less than significant.	None required	Less than significant
Cumulative Biological Resources Impact. The implementation of required mitigation measures, the project's contribution to the cumulative loss of habitat and other cumulative impacts to biological resources would be less than significant.	Mitigation Measures BIO-1(a) through BIO-1(k) and Mitigation Measures BIO-2(a) through BIO-2(e)	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
Cultural and Tribal Cultural Resources		
Impact CUL-1. Construction of the project would involve ground disturbing activities such as grading and surface excavation, which have the potential to unearth or adversely impact previously unidentified historical or archaeological resources. This impact would be less than significant with mitigation.	**CUL-1(a) Construction Monitoring Treatment Plan**. A Construction Monitoring Treatment Plan shall be developed and implemented to ensure that any new discoveries are adequately recorded, evaluated, and if, significant, mitigated. The Construction Monitoring Treatment Plan shall provide the following: a. All ground disturbances within 200 feet of the top of bank of Acacia Creek shall be monitored by a qualified archaeologist and Native American observer and all ground disturbance within 50 feet of the mapped boundaries of Feature 26 and Feature 27 shall be monitored by a qualified archaeologist. b. Procedures for notifying the City and other involved or interested parties in case of a new discovery. The qualified archaeologist and/or Native American observer shall have the authority to temporarily halt or redirect construction in the vicinity of any potentially significant discovery to allow for adequate recordation and evaluation. c. Preparation and approval of a plan that identifies procedures that shall be used to record, evaluate, and mitigate unanticipated discoveries with a minimum of delay. d. Procedures that shall be followed in case of discovery of human remains. In the event that isolated human remains are encountered, consultation with the most likely Native American descendant, pursuant to Public Resources Code section 5097.97 and 5097.98, shall apply. e. Results of the monitoring program shall be documented in a technical report after completion of all ground disturbances. **CUL-1(b) Archaeological Monitoring Within 200 Feet of Acacia Creek Top of Bank.** All construction-related ground disturbances, including clearing/grubbing, within 200 feet of the top of bank of Acacia Creek shall be monitored by a qualified archaeologist and a Native American representative. Depending on the type of work, multiple teams of monitors may be necessary to observe construction activities occurring in separate areas. In the event that archaeological remains are encountered during construction, City of San Luis Obispo staff shall be notified and all work within 50 feet of the find shall be halted until the find is evaluated by a qualified archaeologist and appropriate mitigation, if necessary, is implemented. If archaeological remains are identified, the resource shall be evaluated for significance under City Archaeological Resource Preservation Program Guidelines (ARPPG) and CEQA and further treatment measures including but not limited to avoidance consistent with City of San Luis Obispo General Plan Policies, Phase 2 Subsurface Archaeological Resource Evaluation (SARE), or Phase 3 Archaeological Data Recovery Excavation (ADRE) may be required. Work within 50 feet of the find shall not resume until authorization is received from the City. **CUL-1(c) Archaeological Monitoring Within 50 feet of Feature 26 and Feature 27.** All construction-related ground	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
	disturbances, including clearing/grubbing, within 50 feet of the mapped boundaries of Feature 26 and Feature 27 shall be monitored by a qualified archaeologist. In the event that archaeological remains are encountered during construction, City of San Luis Obispo staff shall be notified and all work within 50 feet of the find shall be halted until the find is evaluated by a qualified archaeologist and appropriate mitigation, if necessary, is implemented. If archaeological remains are identified, the resource shall be evaluated for significance under City Archaeological Resource Preservation Program Guidelines (ARPPG) and CEQA and further treatment measures including but not limited to avoidance consistent with City of San Luis Obispo General Plan Policies, Phase 2 Subsurface Archaeological Resource Evaluation (SARE), or Phase 3 Archaeological Data Recovery Excavation (ADRE) may be required. Work within 50 feet of the find shall not resume until authorization is received from the City. **CUL-1(d) Unanticipated Discovery of Historical or Archaeological Resources.** In the event prehistoric or historic-period materials not identified during the ARI prepared for the project are encountered during construction-related ground disturbances, ground-disturbing activities within 50 feet of the discovery shall be halted, and a qualified archaeologist shall be contacted to determine if materials are isolated finds or part of a larger archaeological deposit. If the discovery is prehistoric, a Native American representative shall be contacted to participate in the evaluation of the discovery. Appropriate City of San Luis Obispo staff shall also be notified. Prehistoric materials may include chert flaked stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing artifacts or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones). Historic-period materials might include stone, concrete, wood or adobe building foundations, corrals, and walls; filled wells or privies; mining features; and deposits of metal, glass, and/or ceramic refuse. If an archaeological site is identified, the resource should be evaluated for significance under City Archaeological Resource Preservation Program Guidelines (ARPPG) and CEQA and further treatment measures including but not limited to avoidance consistent with City of San Luis Obispo General Plan Policies, Phase 2 Subsurface Archaeological Resource Evaluation (SARE), or Phase 3 Archaeological Data Recovery Excavation (ADRE) may be required. Work within 50 feet of the discovery shall not resume until authorization is received from the City.	
Impact CUL-2. Construction of the project would involve ground disturbing activities such as grading and surface excavation, which have the potential to unearth or adversely impact previously unidentified tribal cultural resources. This impact would be less than significant with mitigation	**CUL-2(a) Unanticipated Discovery of Tribal Cultural Resources**. In the event that a resource of Native American origin is identified during construction, the City of San Luis Obispo staff shall contact all California Native American tribe(s) that have expressed interest in the project and begin or continue consultation procedures with any tribe or tribes that request consultation. If an archaeological site is identified, the resource should be evaluated for significance under City Archaeological Resource Preservation Program Guidelines (ARPPG) and CEQA. If the City, in consultation with local Native	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
	Americans, determines that the resource is a tribal cultural resource and the proposed project would have a potentially significant impact to the resource, a tribal cultural resource mitigation plan shall be prepared and implemented in accordance with State guidelines (PRC Sections 21080.3.2, 21080.3.3, 21084.3) and in consultation with Native American groups. The mitigation plan may include but would not be limited to avoidance, capping in place, excavation and removal of the resource, interpretive displays, sensitive area signage, or other mutually agreed upon measures.	
Cumulative Cultural and Tribal Cultural Resources Impact. Individual development proposals would be addressed on a case-by-case basis. Implementation of mitigation would reduce the project's potential impacts to cultural resources to a less than significant level	Mitigation Measures CUL-1(a) through (d) and CUL-2(a)	Less than significant
Energy		
Impact E-1. Temporary construction and long-term operation of the project would require consumption of energy resources. However, the project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. This impact would be less than significant.	None required	Less than significant
Impact E-2. The project would not conflict with or obstruct implementation of the City's 2020 CAP or Clean Energy Choice Program for New Buildings, or any other applicable plans for renewable energy or energy efficiency. This impact would be less than significant.	None required	Less than significant
Cumulative Energy Impact. New development on the project site would be constructed in accordance with the City's Clean Energy Choice Program for New Buildings, California Building Energy Efficiency Standards, and CALGreen and would include energy-saving features that would reduce the potential for wasteful, inefficient, and unnecessary consumption of energy resources. As a result, the project would not have a	None required	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
cumulatively considerable impact.		
Geology and Soils		
Impacts to paleontological resources were determined to be less than significant with the implementation of mitigation included in the Initial Study.	**GEO-1(a) Paleontological Monitoring**. Prior to issuance of grading permits and the commencement of ground disturbing activities on the project site that are greater than six feet in depth, a qualified professional paleontologist shall be retained to conduct paleontological monitoring during such ground disturbing activities. The Qualified Paleontologist shall have knowledge of the local paleontology and shall be familiar with paleontological procedures and techniques. Prior to the commencement of construction activities, an orientation meeting shall be conducted by the Qualified Paleontologist, general contractor, subcontractor, and construction workers associated with earth disturbing activities. The orientation meeting shall describe the potential of exposing paleontological resources, the types of materials may be encountered, and directions on the steps that shall be taken if such a find is encountered. Ground disturbing construction activities (including grading, trenching, drilling with an auger greater than 3 feet in diameter, and other excavation) within previously undisturbed sediments at depths greater than six feet shall be monitored on a full-time basis. Monitoring shall be supervised by the Qualified Paleontologist and shall be conducted by a qualified paleontological monitor, who is defined as an individual who meets the minimum qualifications per standards set forth by the SVP (2010), which includes a B.S. or B.A. degree in geology or paleontology with one year of monitoring experience and knowledge of collection and salvage of paleontological resources. If the Qualified Paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend reducing monitoring to periodic spot-checking or cease entirely. Full-time monitoring shall be reinstated if any new ground disturbances are required at a depth of six feet or greater, and reduction or suspension would need to be reconsidered by the Qualified Paleontologist. Ground-disturbing activity that does not exceed six feet in depth within Quaternary alluvium would not require paleontological monitoring. **GEO-1(b) Fossil Discovery, Preparation, and Curation.** In the event that a paleontological resource is discovered, the monitor shall have the authority to temporarily divert construction equipment around the find until it is assessed for scientific significance and collected. Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection along with all pertinent field notes, photos, data, and maps. Curation fees are assessed by the repository and are the responsibility of the project owner. **GEO-1(c) Paleontological Monitoring Plan**. Prior to the start of ground-disturbing activities, a Paleontological Monitoring Plan shall be prepared and submitted to the City for review and	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
	approval. The Plan shall be prepared by a Qualified Paleontologist and shall address the following: ▪ Procedures for Paleontological Monitoring; ▪ Procedures for the paleontologist to make and implement recommendations as to whether or not monitoring should be required on a full-time basis; ▪ Procedures for the paleontological monitor to temporarily redirect construction away from an area if paleontological resources are encountered during grading or excavation in order to assess the significance of the find; and ▪ Procedures for the handling of collected resources, including preparation to the point of identification. **GEO-1(d) Final Paleontological Mitigation Report**. At the conclusion of laboratory work and museum curation, a final report shall be prepared describing the results of the paleontological mitigation monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the City and the designated museum repository.	
Greenhouse Gas Emissions		
Impact GHG-1. Construction and operation of the proposed project would generate temporary and long-term increases in GHG emissions. The proposed project would conflict with the City of San Luis Obispo's 2020 CAP because project GHG emissions would exceed the efficiency threshold provided in the 2020 CAP. This impact would be significant and unavoidable, despite recommended GHG reduction measures.	**GHG-1(a) GHG Reduction Program.** The project applicant shall prepare and implement a Greenhouse Gas Reduction Program (GGRP) that includes on-site GHG reduction measures to reduce the project's total remaining GHG emissions to 0.9 MT of CO_2e per service person per year or less. Potential options include, but would not be limited to: ▪ Supply 100 percent of electricity from renewable energy resources. Options include opting into PG&E's Solar Choice (opting to supply 100 percent of annual energy usage), PG&E's Regional Renewable Choice (opting to supply 100 percent of annual energy usage), or Central Coast Community Energy 3Cprime (which provides 100 percent renewable energy) programs. ▪ Install additional electric vehicle charging stations in the proposed parking areas. ▪ Implement a transportation demand program. Program measures may include free transit passes for residents and employees, electric rideshare vehicles for residents and employees, a bicycle sharing program, and construction of additional transit infrastructure at the project site. ▪ Implement a zero waste program, which may include actions such as providing various recycling, composting, and green waste bins. ▪ Use electric-powered construction equipment. ▪ Use electric-powered landscape equipment. After implementation of all feasible on-site GHG reduction measures, the project applicant may also implement one of, or a combination of, the following off-site measures to achieve up to 50 percent of the total necessary GHG emission reductions: ▪ Directly undertake or fund activities that reduce or sequester GHG emissions ("Direct Reduction Activities")	Significant and unavoidable

Impact	Mitigation Measure (s)	Residual Impact
	and retire the associated "GHG Mitigation Reduction Credits." A "GHG Mitigation Reduction Credit" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (2013). An "Approved Registry" is an accredited carbon registry that follows approved CARB Compliance Offset Protocols. At this time, Approved Registries include American Carbon Registry, Climate Action Reserve, and Verra (CARB 2018b). Credits from other sources will not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the CARB standards. In the event that a project or program providing GHG Mitigation Reduction Credits to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring GHG Mitigation Reduction Credits specific to the registry involved and shall undertake additional direct investments to recoup the loss. ▪ Obtain and retire "Carbon Offsets." "Carbon Offset" shall mean an instrument issued by an Approved Registry and shall represent the past reduction or sequestration of 1 MT of CO_2e achieved by a Direct Reduction Activity or any other GHG emission reduction project or activity that is not otherwise required (CEQA Guidelines Section 15126.4[c][3]). A "Carbon Offset" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (2013). If the project applicant chooses to meet some of the GHG reduction requirements by purchasing offsets on an annual and permanent basis, the offsets shall be purchased according to the City of San Luis Obispo's preference, which is, in order of City preference: (1) within the City of San Luis Obispo; (2) within the SLOAPCD jurisdictional area; (3) within the State of California; then (4) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss.	
Cumulative GHG Impact. The proposed project is not consistent with the 2014 General Plan land use designation for the project site, and would not meet the efficiency thresholds set by the City's 2020 CAP, and would	**Mitigation Measure GHG-1(a)**	Significant and Unavoidable

Impact	Mitigation Measure (s)	Residual Impact
therefore not be considered consistent with the City's 2020 CAP, due to the uncertain feasibility of recommended GHG reduction measures. Impacts from the proposed project would therefore be cumulatively considerable.		
Hazards, Hazardous Materials, and Safety		
Impact HAZ-1. The project site is not located on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, hazardous material contamination is present on the subject property. However, construction of the planned roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road could expose construction workers and the Community to hazardous materials in on-site soil. Therefore, potential hazardous material impacts would potentially significant, requiring mitigation.	**HAZ-1(a) Soil Management Plan.** Prior to issuance of any grading permits for the planned roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road, a contaminated soil assessment shall be completed in the portions of land to be graded for the identified improvements. Soil samples shall be collected under the supervision of a professional geologist or environmental professional to determine the presence or absence of contaminated soil in these areas. The sampling density shall be in accordance with guidance from San Luis Obispo County Environmental Health Services (EHS), so as to define the area of contaminated soil that may be disturbed by grading activities. Laboratory analysis of soil samples shall be analyzed for the presence of petroleum hydrocarbons, VOCs, and heavy metals in accordance with applicable US EPA Test Methods. If soil sampling indicates the presence of hydrocarbon contamination, metal concentrations, or other contaminants exceeding applicable environmental screening levels as provided by the EHS, the soil assessment shall identify the area of contaminated soil that may be disturbed by grading activities. An Environmental Site Assessment (ESA) shall be prepared detailing the soil sampling, analysis, and findings and submitted to the EHS for review. If concentrations of contaminants exceed the EHS-provided environmental screening levels, the applicant shall prepare and implement a Soil Management Plan (SMP). The SMP shall be reviewed and approved by EHS prior to issuance of grading permits. The plan shall communicate information to project construction workers about environmental conditions and will present measures to mitigate potential risks to the environment, construction workers, and other nearby receptors from potential exposure to hazardous substances that may be associated with unknown conditions or unexpected underground structures, and known contaminated soil or groundwater encountered during construction activities. The SMP shall be updated and the updated recommendations shall be followed if the following occurs: ▪ A change in project site uses; ▪ Receipt of additional information pertaining to project site environmental conditions; ▪ Updated chemical toxicity information for contaminants detected at the project site based on revised regulatory screening levels; or, ▪ New legal or regulatory soil management requirements applicable to the project site.	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
Impact HAZ-2. The project site is located within the traffic pattern zone (Airport Safety Zone 6) identified in the Airport Land Use Plan for the San Luis Obispo County Regional Airport as well as the City's Airport Overlay Zone. However, the proposed project would not result in a safety hazard for people residing or working on the project site. This impact would be less than significant.	None required	Less than significant
Impact HAZ-3. The project would contribute to new pedestrian demand along Tank Farm Road west of the project site, which does not have dedicated pedestrian facilities. The potential increase in pedestrian demand would result in a potential hazard to pedestrians. This impact would be significant and unavoidable.	**HAZ-3(a) Tank Farm Road Shared Use Pedestrian/Bicycle Path**. The project applicant shall take the following actions to facilitate future construction of a shared-use pedestrian/bicycle path along the north side of Tank Farm Road from Santa Fe Road west to Innovation Way (4,700 feet west of Santa Fe Road), as identified in the City's Active Transportation Plan: a) Pay fair share mitigation fees towards future construction of the Tank Farm Road shared-use path through participation in the Citywide Transportation Impact Fee program. b) Prepare construction designs for the shared-use path to a 65% design level to provide sufficient detail to confirm right-of-way needs, produce refined construction cost estimates, and provide the City with information needed to explore grant funding opportunities and continue progress towards future construction of the path. c) Exhaust all reasonable efforts working with the City, County, and private landowner(s) to acquire right-of-way needed to construct the Tank Farm Road shared-use path. HAZ-3(b) Tank Farm Road Interim Pedestrian Safety Signage. The project applicant shall fund and install interim signage along Tank Farm Road west of Santa Fe Road to highlight potential safety hazards to pedestrians along this connection. The signage shall be designed and installed consistent with applicable City Engineering Standards to the satisfaction of the Public Works Director. The signage shall remain in place until the future shared-use pedestrian/bicycle path along the north side of Tank Farm Road between Santa Fe Road and Innovation Way is constructed and open to the public.	Significant and unavoidable
Cumulative Hazards and Hazardous Materials Impact. Hazards and hazardous materials impacts associated with individual developments are site specific in nature and must be addressed on a case-by-case basis. With adherence to existing regulatory standards for hazardous materials, the proposed project would not have a cumulatively considerable contribution to a significant	None required	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
cumulative impact related to hazards and hazardous materials.		
Hydrology and Water Quality		
Impact HWQ-1. New impervious surfaces would alter existing drainage patterns and increase stormwater runoff and pollutant discharge. Implementation of BMPs in compliance with City design guidelines and Phase II MS4 Permit requirements and would ensure that potential erosion, flooding, and associated water quality impacts to on-site and off-site drainage would be reduced. However, the planned roundabout and frontage improvements along Tank Farm Road would require a future retention basin located within the footprint of the Chevron Tank Farm Remediation and Development Project, which may need to be constructed by the applicant to support the project. Construction of this off-site improvement would result in a potentially significant impact, requiring mitigation.	**HWQ-1(a) Chevron Property Retention Basin.** The developer shall ensure the future retention basin on the Chevron Tank Farm Remediation and Development Project property identified in the *Drainage Report* prepared for the project by RRM Design Group is constructed prior to or concurrent with the construction of the roundabout, frontage improvements along eastbound Tank Farm Road adjacent to the project site, and frontage improvements along Tank Farm Road west of the roundabout.	Less than significant
Impact HWQ-2. The eastern portion of the project site is within an existing 100-year flood zone. However, creek setbacks and compliance with FEMA and City regulations would ensure that the project would not place structures within a 100-year flood hazard area which could impede or redirect flood flows. This impact would be less than significant.	None required	Less than significant
Cumulative Hydrology and Water Quality Impact. Compliance with NPDES and local water quality requirements and City drainage design guidelines would minimize potentially significant cumulative impacts. Cumulative impacts to water quality, drainage, flooding, and sedimentation would be adverse, but less than significant	None required	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
Land Use and Planning		
Impact LU-1. The project would not cause a significant environmental impact due to a conflict with applicable policies and regulations related to environmental effects in the City's General Plan, AASP, Municipal Code, and ALUP. This impact would be less than significant.	None required	Less than significant
Cumulative Land Use and Planning Impact. Potential environmental impacts from land use conflicts are addressed on a case-by-case basis as individual projects are reviewed by city decision-makers for consistency with adopted policies. Therefore, cumulative land use impacts would be less than significant.	None required	Less than significant
Noise		
Impact N-1. Construction of the project would generate temporary increases in ambient noise that exceed the City's standards at neighboring noise-sensitive receptors. The impact from increased ambient noise would be less than significant with mitigation incorporated for construction noise	**N-1(a) Construction-Related Noise Reduction Measures**. The applicant shall apply the following measures during construction of the project site: ▪ *Electrical Power.* Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power temporary structures, such as construction trailers or caretaker facilities. ▪ *Equipment Staging.* All stationary equipment (e.g., air compressors, portable generators) shall be staged as far away from sensitive receptors as feasible. ▪ *Equipment Idling.* Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use. ▪ *Workers' Radios.* All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity. ▪ *Smart Back-up Alarms.* Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction. ▪ *Sound Barrier.* During the site preparation, grading, building, and paving phases of construction, temporary sound barriers shall be installed and maintained facing noise-sensitive receptors (i.e., residences at the neighboring mobile home park). Temporary sound barriers shall, at a minimum, block the line of sight between noise-generating construction equipment and adjacent windows at sensitive receptors and shall be placed as close to the source equipment as feasible. Such barriers shall be field tested to	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
	reduce noise by at least 10 dBA at sensitive receptors. A sound barrier can achieve a 5 dBA noise level reduction when it is tall enough to break the line-of-sight from the source equipment to the sensitive receptor, and it can achieve an approximate 1 dBA additional noise level reduction for each 2 feet of height after it breaks the line of sight (FHWA 2011). Mobile sound barriers may be used as appropriate to attenuate construction noise near the source equipment. ▪ *Disturbance Coordinator*. The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. **N-1(b) Neighboring Property Owner Notification and Construction Noise Complaints**. The contractor shall inform residents and business operators at properties within 300 feet of the project site of proposed construction timelines and noise complaint procedures to minimize potential annoyance related to construction noise. Proof of mailing the notices shall be provided to the Community Development Department before the City issues a zoning clearance. Signs shall be in place before beginning of and throughout grading and construction activities. Noise-related complaints shall be directed to the City's Community Development Department	
Impact N-2. Operation of the project would not generate permanent increases in noise that exceed City standards. The impact from increased ambient noise would be less than significant.	None required	Less than significant
Impact N-3. Construction of the project would not generate excessive groundborne vibration or noise. This impact would be less than significant.	None required	Less than significant
Cumulative Noise Impacts. Cumulative construction noise and vibration impacts would be less than significant and cumulative projects would not cause cumulative on-site operational noise impacts.	None required	Less than significant
Utilities and Service Systems		
Impact U-1. Existing water conveyance and wastewater treatment infrastructure would have adequate capacity to serve the project. The project would not require new or expanded off-	None required	Less than significant

Impact	Mitigation Measure (s)	Residual Impact
site water and wastewater treatment, stormwater drainage facilities, electrical power, natural gas, or telecommunication facilities. Therefore, the project would not result in a significant impact associated with the need for new or expanded utility facilities. Furthermore, the project would not considerably contribute to a cumulative increase in traffic noise.		
Impact U-2. Adequate water supplies are available to serve the project. Therefore, the potential impact to water supply would be less than significant.	None required	Less than significant
Impact U-3. There is sufficient wastewater capacity to serve the proposed project. Therefore, the potential impact related to wastewater generation would be less than significant.	None required	Less than significant
Cumulative Utilities and Service Systems Impact. The project would not contribute considerably to a cumulative water supply, wastewater capacity, stormwater, or electric/natural gas impact.	None required	Less than significant

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1 Introduction

This document is an Environmental Impact Report (EIR) that examines the potential environmental effects of the proposed 600 Tank Farm Road Residential Mixed-Use Project (hereafter referred to as the "proposed project" or "project"), located at 600 Tank Farm Road in the City of San Luis Obispo, California. This section discusses (1) the legal basis for preparing an EIR; (2) the scope and content of the EIR; (3) the lead, responsible, and trustee agencies; and (4) the environmental review process required under the California Environmental Quality Act (CEQA). The proposed project is described in detail in Section 2.0, *Project Description*.

1.1 Purpose and Legal Authority

1.1.1 Summary of the Proposed Project

The 600 Tank Farm Residential Mixed-Use Project ("the project") consists of zoning-level entitlements, including a General Plan Map Amendment, a rezone of the property, a Specific Plan Amendment to the Airport Area Specific Plan (AASP; proposed amendments are shown in Appendix A), a Minor Use Permit for a mixed-use project, Conceptual Site Plan, Major Development Review, and a Development Agreement.

The project site is located at 600 Tank Farm Road, 130 feet northeast of the intersection of Tank Farm Road and Santa Fe Road, in the southern portion of the City of San Luis Obispo. The project site is currently used for vehicle parking and construction material storage. The site has been impacted by the existing uses as well as previous grading and rock quarry activities. The requested entitlements would allow for 240 high density units, 40 mixed-use units, and 12,500 square feet of commercial-service/office space.

1.1.2 Relationship of the Project to the Circulation Element and Airport Area Specific Plan

The project site is located within the AASP and is currently designated Business Park (BP) with a small portion of the property within the Conservation Open Space (C/OS) zone delineating a portion of Acacia Creek which is primarily located on the adjacent property to the east. The Specific Plan Amendment would change the site's land use designation accordingly and would also make associated text amendments to the AASP, as follows:

1. Amend all AASP tables and text to reflect the addition of 240 high density units, 40 mixed-use units, and 12,500 square feet of commercial-service/office space for the project site;
2. Modify the road section figures to reflect modifications to Tank Farm Road and Santa Fe Road consistent with traffic projections and full buildout of the circulation system;
3. Describe necessary setback of improvements and buildings to delineated wetland areas in conformance with project Biological Assessments;
4. Update references to the SLO County Regional Airport Land Use Plan and describe the updated Airport Land Use Plan adopted by the Airport Land Use Commission.

The project would implement transportation improvements envisioned in the General Plan Circulation Element and shown in the AASP. A general description of anticipated transportation

improvements is included in Section 2.5.2, Transportation Improvements. The project may be required to contribute fair share fees toward additional off-site improvements, either through implementation of required mitigation measures included in this EIR, or under a reimbursement agreement with the City. Off-site transportation improvements beyond those described in Section 2, Project Description, are currently conceptual in nature, such that project-level environmental analysis of conditioned off-site improvements would be speculative and is not part of this EIR (CEQA Guidelines Section 15145). Section 4, Environmental Impact Analysis, includes a programmatic discussion of the potential residual environmental effects associated with these improvements.

As described in Section 15152 of the State CEQA Guidelines, tiering refers to "using the analysis of general matters in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project." Therefore, this EIR provides a roadmap for transportation improvements discussed at a programmatic level to determine consistency with the associated EIR analysis included in this EIR, with the objective of minimizing redundant future CEQA review.

1.2 Purpose and Legal Authority

Several of the project's proposed actions: a General Plan Map Amendment, a rezone of the property, a Specific Plan Amendment to the Airport Area Specific Plan (AASP), Conceptual Site Plan, Major Development Review, and a Development Agreement, are discretionary actions requiring approval of the San Luis Obispo City Council. Therefore, the project is subject to the requirements of CEQA. In accordance with Section 15121 of the State CEQA Guidelines, the purpose of this EIR is to serve as an informational document that:

> "will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project."

This EIR has been prepared as a project EIR pursuant to Section 15161 of the *CEQA Guidelines*. A Project EIR is appropriate for a specific development project. As stated in the *CEQA Guidelines*:

> "This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation."

This EIR is to serve as an informational document for the public and City of San Luis Obispo decision makers. The process will include public hearings before the Planning Commission and City Council to consider certification of a Final EIR and approval of the proposed project.

1.3 Scope and Content

The City of San Luis Obispo distributed a Notice of Preparation (NOP) of the EIR and Initial Study for a 38-day agency and public review period starting on November 20, 2020 and ending on December 28, 2020. In addition, the City held an EIR Scoping Meeting on December 9, 2020. The meeting was aimed at providing information about the proposed project to members of public agencies, interested stakeholders and residents/community members. The hearing was held via

teleconference due to the COVID-19 pandemic and Governor's Executive Order N-29-20 issued on March 17, 2020.

The City received letters from eight agencies in response to the NOP and Initial Study during the public review period, as well as verbal comments during the EIR Scoping Meeting. The NOP and Initial Study is presented in Appendix A of this EIR, along with the responses received. Table 1-1 summarizes the content of the letters and verbal comments and where the issues raised are addressed in the EIR.

Through the NOP and EIR scoping process, the City determined that there was no substantial evidence that the project would cause or otherwise result in significant environmental effects in the areas of aesthetics, agriculture, geology and soils, mineral resources, population and housing, public services, recreation, transportation, and wildfire. The substantiation for determining these issues would result in no impact, or a less-than-significant impact, is described in further detail in the Initial Study in Appendix A, pursuant to Section 15128 of the CEQA Guidelines, and summarized in Section 4.11, Impacts Addressed in the Initial Study. As described in Section 4.11, the EIR does include a discussion of potential traffic safety impacts, included in Section 4.6, Hazards, Hazardous Materials, and Safety.

Table 1-1 NOP Comments and EIR Response

Commenter	Comment/Request	How and Where It Was Addressed
Agency Comments		
California Department of Toxic Substances Control (DTSC)	DTSC states that the project site is in close proximity to the San Luis Obispo County Airport which had the U.S. Army Air Corps, the California National Guard, and the Navy use a portion of the Airport. Undiscovered contaminants of concern, resulting from military or other aeronautical operations, may remain in the Airport's subsurface.	Comments are addressed in Section 4.6, Hazards, Hazardous Materials, and Safety.
	DTCS recommends that additional investigation be conducted prior to any development to evaluate if releases occurred and contamination exists within the Project area and surrounding areas	Comments are addressed in Section 4.6, Hazards, Hazardous Materials, and Safety.
Santa Ynez Band of Chumash Indians	The Santa Ynez Band of Chumash Indians state that the Tribal Elders Council received the letter and requests no further consultation on the project.	No response required.
Healthy Communities Work Group	The Healthy Communities Work Group requests clarification from the City on type of affordable housing that is included and recommends an allocation of deed-restricted affordable units.	An affordable housing plan has not yet been submitted by the project applicant. This comment does not make recommendations related to the environmental analysis in the EIR. The comment will be reviewed by the City of San Luis Obispo as part of the City's standard application review process.
	The Healthy Communities Work Group recommends a bus stop be added within ¼ mile of the project site and funding via the Safe Routes to School be pursued.	Impacts to transit plans and policies were addressed in the Initial Study included as Appendix A to this EIR and summarized in Section 4.11, Impacts Addressed in the Initial Study. As discussed therein, the closest transit stops would

Commenter	Comment/Request	How and Where It Was Addressed
		be located on Broad Street near Industrial Way. Sidewalks along the north side of Tank Farm Road are planned to be constructed with neighboring projects, and a second pedestrian access route would ultimately be available via Tank Farm Road and the transit stops on Broad Street near Tank Farm Road to serve the project. Consistency with applicable City policies is discussed in Section 4.8, Land Use and the Policy Consistency analysis included as Appendix H to this EIR.
	The Healthy Communities Work Group expresses concern of aircraft noise with regard to private and common outdoor areas. They recommend appropriate design consideration be given to this issue along with effective noise buffering materials.	Comments are addressed in Section 4.9, Noise.
Northern Chumash Tribal Council	The Northern Chumash Tribal Council requests a copy of the Cultural Resource Study prepared for the project site.	A copy of the Archaeological Resources Inventory (ARI) and Phase 1 archaeological investigation, prepared for the project by Applied EarthWorks, Inc. in July 2020, was sent to the Northern Chumash Tribal Council (NCTC) in December 2020. A copy of the ARI prepared by Rincon Consultants for the Santa Fe Road and Tank Farm Road roundabout portion of the project was sent to the NCTC in May 2021. The ARI reports contain confidential cultural resources information and is therefore not available for public review. The findings of these reports are summarized in Section 4.4, Cultural Resources and Tribal Cultural Resources, and the reports can be provided upon request to qualified cultural resource specialists.
Salinan Tribe	The Salinan Tribe stated the area north of the project site is a recorded Salinan sacred site and have concerns that unknown cultural resources may be impacted during development. The Tribe requests a cultural resource specialist from the Tribe be present during ground disturbing activities.	Comments are addressed in Section 4.3 Cultural Resources and Tribal Cultural Resources.
San Luis Obispo Council of Governments (SLOCOG)	SLOCOG recommends the inclusion of affordable housing units but would like clarification on the number of units that would be deed-restricted affordable housing.	An affordable housing plan has not yet been submitted by the project applicant. This comment does not make recommendations related to the environmental analysis in the EIR. The comment will be reviewed by the City of San Luis Obispo as part of the City's standard application review process.
	SLOCOG recommends that local preference be provided for selling units.	This comment does not make recommendations related to the environmental analysis in the EIR. The comment will be reviewed by the City of San Luis Obispo as part of the City's standard application review process.

Commenter	Comment/Request	How and Where It Was Addressed
	SLOCOG appreciates the placement of multi-family units near a major employment center.	This comment does not make recommendations related to the environmental analysis in the EIR. Section 4.4 Energy and Section 4.5 Greenhouse Gas Emissions considers these efficiencies in their analysis.
	SLOCOG commends the city for advancing infill development projects to achieve VMT reduction.	No response required.
	SLOCOG encourages ongoing coordination with the County to assess the viability of constructing Class IV or Class I facilities along the entirety of Tank Farm Road from South Higuera to Broad Street in order to create a safe and cohesive bicycle network and encourage modal shifts that can reduce average daily trips (ADT).	This comment does not make recommendations related to the environmental analysis in the EIR. The comment will be reviewed by the City of San Luis Obispo as part of the City's standard application review process.
	SLOCOG recommends construction of Santa Fe Road intersection occur in phase 1 of the project and explore feasibility of a Class IV protected roundabout.	This comment does not make recommendations related to the environmental analysis in the EIR. The comment will be reviewed by the City of San Luis Obispo as part of the City's standard application review process.
	SLOCOG recommends improving the transit facilities in the project area so households are within ¼ mile of a local bus stop.	Impacts to transit plans and policies were addressed in the Initial Study included as Appendix A to this EIR and summarized in Section 4.11, Impacts Addressed in the Initial Study. As discussed therein, the closest transit stops would be located on Broad Street near Industrial Way. Sidewalks along the north side of Tank Farm Road are planned to be constructed with neighboring projects, and a second pedestrian access route would ultimately be available via Tank Farm Road and the transit stops on Broad Street near Tank Farm Road to serve the project. Consistency with applicable City policies is addressed in Section 4.8, Land Use and the Policy Consistency analysis included as Appendix H to this EIR.
San Luis Obispo Air Pollution Control District (SLOAPCD)	SLOAPCD recommends clarifying the number of units that would be deed-restricted affordable housing.	An affordable housing plan has not yet been submitted by the applicant. This comment does not make recommendations related to the environmental analysis in the EIR. The comment will be reviewed by the City of San Luis Obispo as part of the City's standard application review process.
	SLOAPCD recommends local preference be included in the 600 Tank Farm Road project conditioning.	This comment does not make recommendations related to the environmental analysis in the EIR. The comment will be reviewed by the City of San Luis Obispo as part of the City's standard application review process.
	SLOAPCD provides general construction and operational permit requirements and requirements for a health risk assessment.	Comments are addressed in Section 4.1, Air Quality.

Commenter	Comment/Request	How and Where It Was Addressed
	SLOAPCD states air quality impacts should be addressed in the Draft EIR and provided requirements that should be included in the assessment.	Comments are addressed in Section 4.1, Air Quality.
	SLOAPCD recommends remediation activities on the adjacent Chevron property be included in the cumulative analysis, especially is residents are present when remediation is occurring.	Comments are addressed in Section 4.1, Air Quality.
	SLOAPCD recommends comparing project's GHG emissions to the City of San Luis Obispo's recently adopted Climate Action Plan.	Comments are addressed in 4.5, Greenhouse Gas Emissions.
California Department of Fish and Wildlife (CDFW)	CDFW states there are several special-status resources present in and adjacent to the project area. CDFW recommends that these resources be evaluated and addressed in the project's EIR prior to any approvals that would allow ground-disturbing activities or land use changes.	Potential impacts to special-status resources are discussed in Section 4.2, Biological Resources.
	CDFW recommends that a qualified wildlife biologist/botanist conduct focused biological surveys during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project area.	A Biological Resources Assessment was prepared for the project by a qualified biologist and is included as Appendix D to this EIR. The report was used in the analysis in Section 4.2, Biological Resources.
	CDFW provides potential impacts, evidence that an impact would be potentially significant, and recommended mitigation measures for: foothill yellow-legged frog, California red-legged frog, least Bell's vireo, American badger, western pond turtle, and burrowing owl.	Potential impacts to each of these species are discussed in Section 4.2, Biological Resources.
	The CDFW states filing fees are required for projects that have the potential to impact biological resources.	All applicable filing fees will be paid by the applicant.

This EIR addresses impacts identified by the Initial Study to be potentially significant. The Initial Study identified potentially significant impacts to paleontological resources (in the discussion of Geology and Soils). However, these potentially significant impacts were evaluated and mitigated to less than significant in the Initial Study. Refer to Section 4.11, Impacts Addressed in the Initial Study, for additional detail about this topic.

The following issues were found to include potentially significant impacts and have been studied in the EIR:

- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Greenhouse Gas Emissions
- Hazards, Hazardous Materials, and Safety (includes transportation safety)

- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Utilities and Service Systems

In preparing the EIR, use was made of pertinent City policies and guidelines, certified EIRs and adopted CEQA documents, and other background documents. A full reference list is contained in Section 7.0, References and Preparers.

The alternatives section of the EIR (Section 6.0) was prepared in accordance with Section 15126.6 of the *CEQA Guidelines* and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the project while feasibly attaining most of the basic project objectives. In addition, the alternatives section identifies the "environmentally superior" alternative among the alternatives assessed. The alternatives evaluated include the CEQA required "No Project" alternative and two alternative development scenarios for the project area.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. Section 15151 of the *CEQA Guidelines* provides the standard of adequacy on which this document is based. The *CEQA Guidelines* state:

> An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.

1.4 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible and trustee agencies. The City of San Luis Obispo is the lead agency for the project because it holds principal responsibility for approving the project. Discretionary approval of the project is vested with the San Luis Obispo City Council.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the project. Responsible agencies include the Airport Land Use Commission (ALUC) which determines consistency with the adopted San Luis Obispo County Airport Land Use Plan (ALUP), the State Water Resources Control Board (SWRCB) for Section 401 Water Quality Certification and the National Pollutant Discharge Elimination System (NPDES) Storm Water Permit, the U.S. Army Corps of Engineers for potential permitting under Section 404 of the Clean Water Act, the Central Coast Regional Water Quality Control Board (RWQCB) which has jurisdiction over non-wetland waters, and California Department of Fish and Wildlife (CDFW) for potential permitting under Section 1600 et seq. of the California Fish and Game Code.

A trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. The California Department of Fish and Wildlife (CDFW) has jurisdiction over biological resources, including Waters of the State and rare and endangered plant species. The Department of Toxic Substances Control (DTSC) regulates hazardous waste, oversees the cleanup of existing contamination, and identifies ways to reduce hazardous waste produced in California. As these resources may be affected by project development, CDFW and DTSC are trustee agencies for the project.

1.5 Environmental Review Process

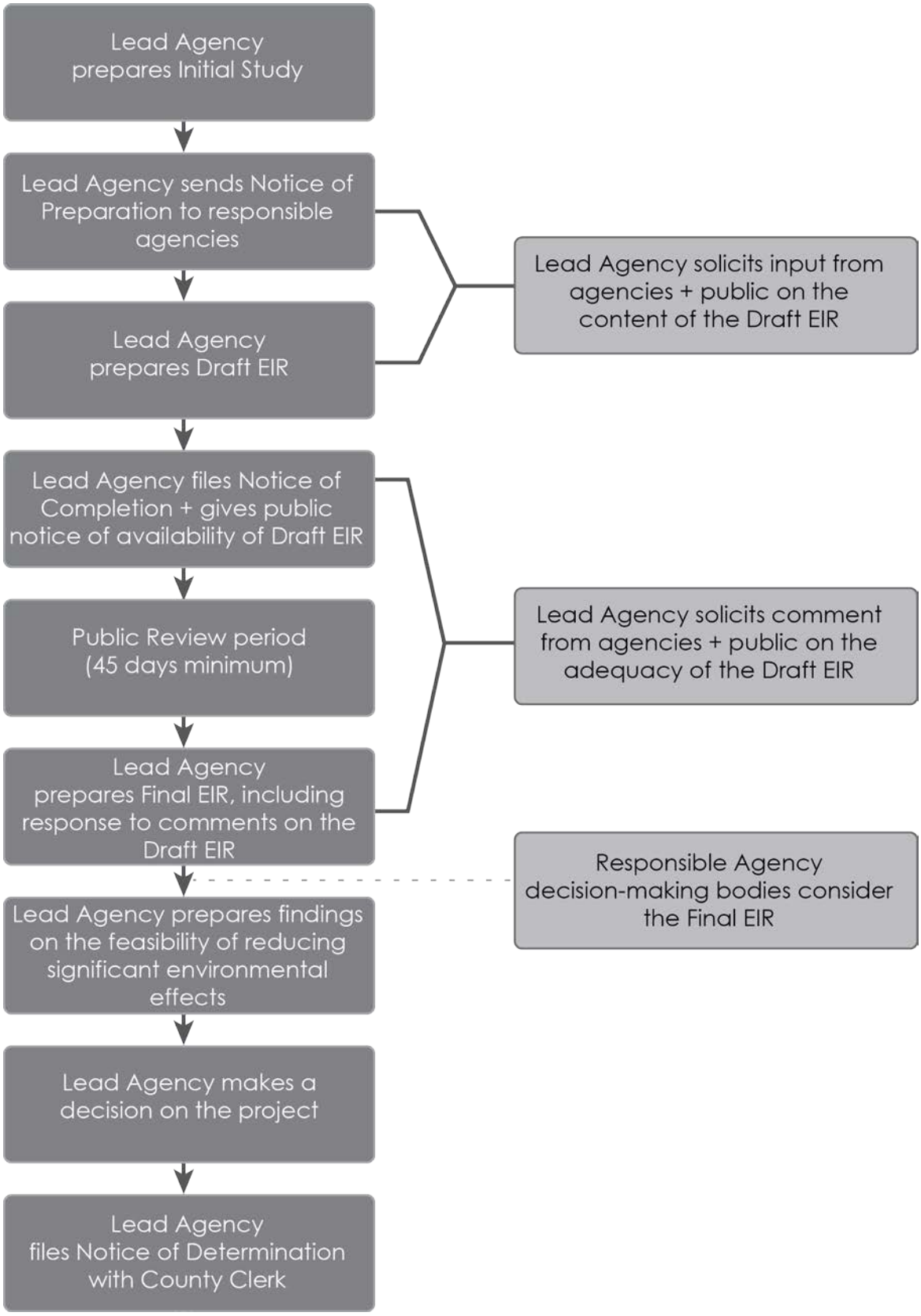
The environmental impact review process, as required under CEQA, is summarized below and illustrated in Figure 1-1. The steps are presented in sequential order.

1. **Notice of Preparation and Initial Study**. After deciding that an EIR is required, the lead agency (City of San Luis Obispo) must file a Notice of Preparation (NOP) soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2). Executive Order N-54-20 (issued April 22, 2020) suspended the requirement that lead agencies post the NOP in the County Clerk's office for 30 days. Executive Order N-80-20 (issued September 23, 2020) extended the prior suspension by Executive Order N-54-20 of public noticing requirements. The NOP may be accompanied by an Initial Study that identifies the issue areas for which the project could create significant environmental impacts.
2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Completion/Notice of Availability.** The lead agency must file a Notice of Completion (NOC) with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability (NOA) of a Draft EIR. The lead agency must place the NOA in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the NOA to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public and respond in writing to all comments received (Public Resources Code Sections 21104 and 21253). When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless the State Clearinghouse approves a shorter period (Public Resources Code 21091).
4. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
5. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
6. **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations**. For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation

measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.

8. **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
9. **Notice of Determination.** The lead agency must file a Notice of Determination (NOD) after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

Figure 1-1 Environmental Review Process



2 Project Description

This section describes the proposed project, including the project applicant, the project site and surrounding land uses, major project characteristics, project objectives, and discretionary actions needed for approval.

2.1 Project Applicant

2.1.1 Project Sponsor

Covelop, Inc.
1135 Santa Rosa Street, #210
San Luis Obispo, California 93401

2.1.2 Project Sponsor's Representative

Stephen J. Peck, AICP
Peck Planning and Development, LLC
2455 Greenwood Avenue
Morro Bay, California 93442

2.2 Lead Agency Contact Person

Kyle Bell, Associate Planner
City of San Luis Obispo
Community Development Department
919 Palm Street
San Luis Obispo, California 93401
(805) 781-7524

2.3 Project Location

The project is located at 600 Tank Farm Road, 130 feet northeast of the intersection of Tank Farm Road and Santa Fe Road, in the southern portion of the City of San Luis Obispo. The conceptual site plan for the project (refer to Section 2.5.1, Conceptual Site Plan and Components) depicts mixed-use development of two parcels (Assessor Parcel Numbers [APN] 053-421-002 and 053-421-006) totaling approximately 11.1 acres. Figure 2-1 shows the regional location of the project. Figure 2-2 shows the project site within the local context. As shown, the project site includes portions of the existing Tank Farm Road frontage and planned future Santa Fe Road alignment in addition to the proposed improvements on APNs 053-421-002 and 053-421-006. The relationship of these locations to the proposed project are described in Section 2.5.2, Transportation Improvements. Collectively, these components comprise the project site for the purposes of this EIR. Figure 2-3 shows photos of the existing project site.

Figure 2-1 Regional Location

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Project Location

N

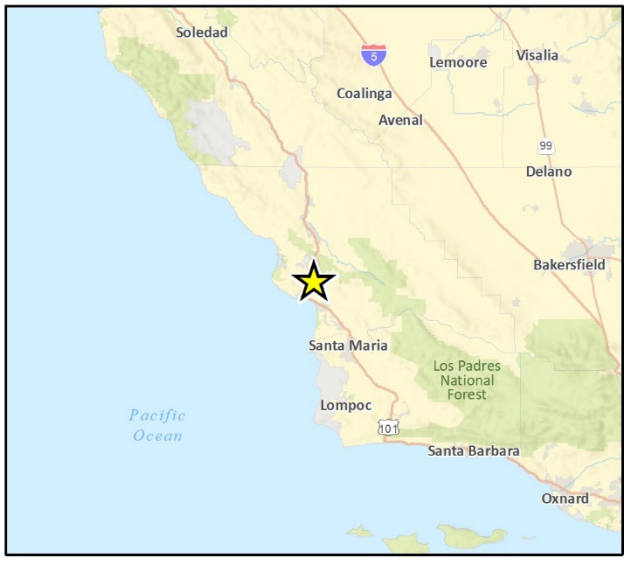

Figure 2-2 Project Site Location

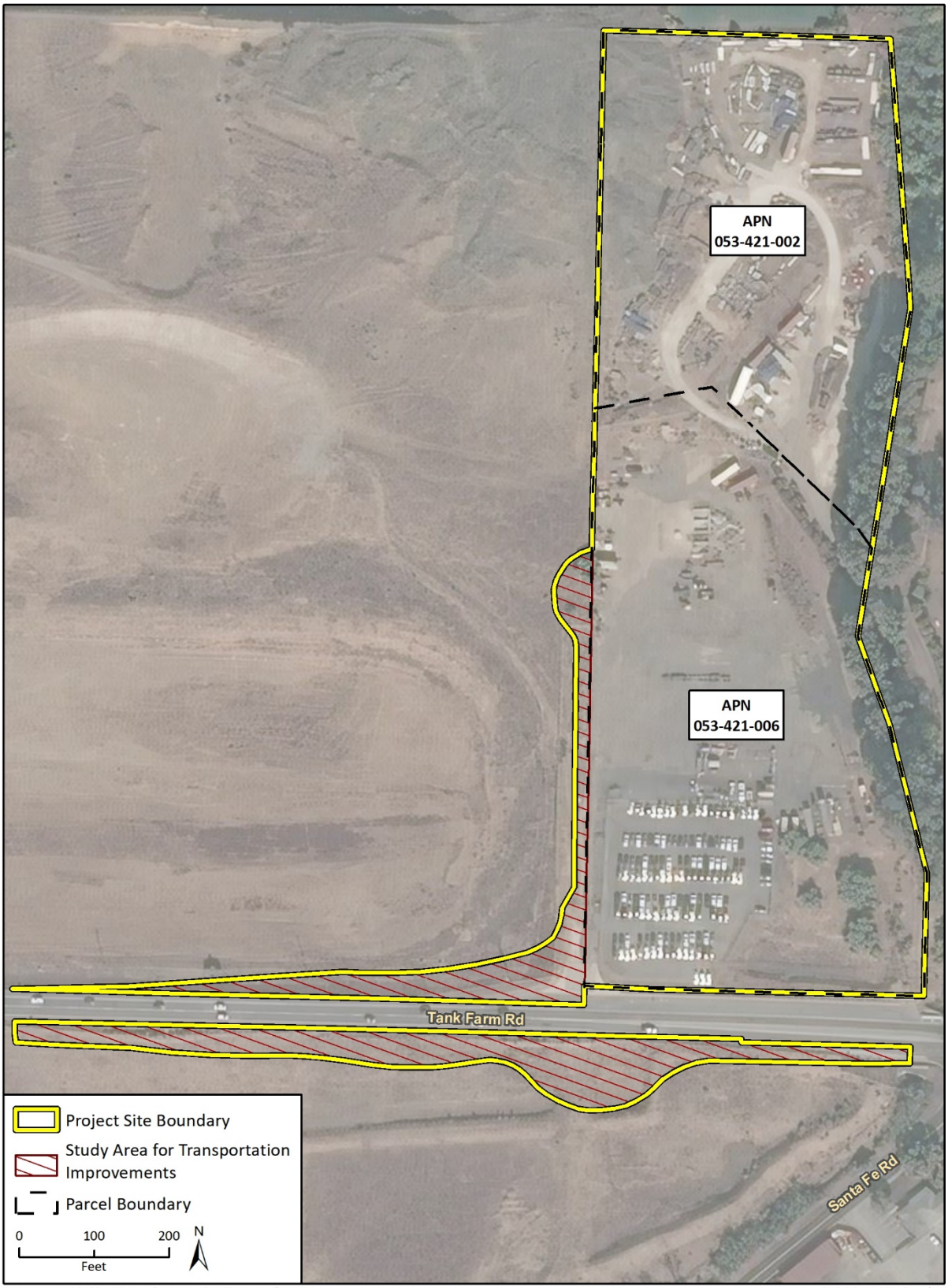

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Fig 2-2 Project Site Boundary

Figure 2-3 Project Site Photos

Tank Farm Road looking north at the project site

Tank Farm Road looking northeast at the project site and vegetation along Acacia Creek

The project site slopes from the northwest to southeast, with site elevations at 210 feet mean sea level (msl) in the northwest corner of the property and 150 feet msl at the southeast corner of the property. APNs 053-421-002 and 053-421-006 are bound by Tank Farm Road to the south, Acacia Creek to the east, Damon-Garcia Sports Fields to the north, and undeveloped Chevron property to the west. The San Luis Obispo City limit line follows the southern and western boundary of the project site and parallels the southern side of Tank Farm Road south of the project site. The northern boundary of the San Luis Obispo County Regional Airport is located approximately 1,400 feet south of the project site, with the nearest airport use being the northwestern end of Runway 11-29.

2.4 Existing Site Characteristics

2.4.1 Current Land Use Designation and Zoning

The project site is located within the Airport Area Specific Plan (AASP) and is currently designated Business Park (BP) with a small portion of the property within the Conservation Open Space (C/OS) zone delineating a portion of Acacia Creek, which is primarily located on the adjacent property to the east. As identified in the AASP Land Use Program and Development Capacities Table 4-1, the Specific Plan assumes that estimated buildout in the BP designation would be based on a 0.21 floor area ratio (FAR). Therefore, the existing development potential of the 11.1-acre site is approximately 101,500 square feet of business park development.

2.4.2 Project Site and Surrounding Land Uses

The project site is currently used for vehicle parking and construction material storage. The site has been impacted by the existing uses as well as previous grading and rock quarry activities. The project site is bordered by Tank Farm Road to the south, Acacia Creek to the east, Damon-Garcia Sports Fields to the north, and undeveloped Chevron property to the west. The San Luis Obispo City limit line follows the southern and western boundary of the project site and parallels the southern side of Tank Farm Road south of the project site (refer to Figure 2-4). The Damon-Garcia Sports Fields property north of the project site is designated Public Facilities (PF). Acacia Creek east of the project site is designated Conservation Open Space (C/OS) and the mobile home park east of the creek is designated Service Commercial with the Specific Plan overlay (C-S-SP). The undeveloped Chevron property west of the project site boundary is designated Commercial Service and Industrial by San Luis Obispo County. The undeveloped property south of Tank Farm Road is designated Recreation by San Luis Obispo County.

Properties east of the project site located at 650 Tank Farm Road and 660 Tank Farm Road include approved entitlements for development of residential mixed-use and assisted living facilities, depicted on Figure 2-4.

2.5 Project Characteristics

The proposed project involves zoning-level entitlements: a General Plan Map Amendment, a rezone of the property, a Specific Plan Amendment to the AASP (proposed amendments are shown in Appendix A), a Minor Use Permit for a mixed-use project, Conceptual Site Plan, Major Development Review, and a Development Agreement. Approval of these entitlements would allow a final Development Plan (consistent with the requirements of the granted entitlements), including grading permits, improvement plans and building permits to be handled by the City as ministerial approvals.

Figure 2-4 Surrounding Land Uses

Imagery provided by Microsoft Bing and its licensors © 2021.

Fig 2-3 Surrounding Land Uses

The General Plan Map Amendment is necessary to change the project site's land use designation in the City's Land Use Element in order to reflect proposed development. The Specific Plan Amendment would change the site's land use designation accordingly and would also make associated text amendments to the AASP, as follows:

1. Amend all AASP tables and text to reflect the addition of 240 high density units, 40 mixed-use units, and 12,500 square feet of commercial-service/office space for the project site;
2. Modify the road section figures to reflect modifications to Tank Farm Road and Santa Fe Road consistent with traffic projections and full buildout of the circulation system;
3. Describe necessary setback of improvements and buildings to delineated wetland areas in conformance with project Biological Assessments;
4. Update references to the SLO County Regional Airport Land Use Plan and describe the safety zones in the updated Airport Land Use Plan adopted by the Airport Land Use Commission.

The requested entitlements would allow for 280 total residential units.

2.5.1 Conceptual Site Plan and Components

Residential and Mixed-Use Rezone

The project entitlements would change the land use designation from Business Park to Service Commercial with the Specific Plan overlay (C-S-SP), which would allow a mixed-use project providing up to 280 residential units and commercial-service/office uses defined in AASP Table 4.3. Figure 2-5 shows the proposed conceptual site plan for the project.

The project site would be developed at a density of 25.7 units per acre, with shared public and private open spaces, common yards, and a recreation center with a community building. The proposed residential development would include a mix of one-bedroom, two-bedroom, and three-bedroom units. Balconies and outdoor activity areas would be located on the north and east faces of the buildings to minimize exposure to vehicle noise from Tank Farm Road and aircraft flyovers from the San Luis Obispo County Regional Airport located south of the project site. The proposed zoning would allow for up to 12,500 square feet of commercial-service/office space, which would be located in Buildings 1 and 2 shown in Figure 2-5. As shown in Figure 2-5, there are four main residential building types proposed (shown as "Type A," "Type B," "Type C," and "Type D"); however, all buildings would be of similar architectural style.

Table 2-1 provides the proposed project characteristics, including the mix of residential unit types and building area for the primary components of the project. The applicant intends to provide a portion of the proposed units below the average size, consistent with the project objective to provide a variety of housing opportunities and affordability levels (refer to Section 2.6, Project Objectives). The proportion of units below average size would be established through an affordable housing plan. An affordable housing plan has not yet been submitted by the project applicant but is not required to support the EIR analysis.

Table 2-1 Project Characteristics

Unit Occupancy Type[1]	Size (sf)	Units	Residential Area (sf)	Non-Residential Area (sf)	Acres (net)	Units/Acre[2]
R3 Occupancy (1-, 2- and 3-beds)	750-1,450	140	154,000	n/a	6.5	21.7
R4 Occupancy (studio, 1-, and 2-bed)	600-925	100	85,700	n/a	2.9	34.7
Mixed Use (studio and 1-bed)	450-625	40	21,500	12,500	1.5	26.3
Total	**450-1,450**	**280**	**261,200**	**12,500**	**10.9**	**25.7**

[1] Occupancy classification is the formal designation of the primary purpose of the building and pursuant to the California Building Code, structures are classified with one or more occupancy groups. R3 occupancy are for when the occupants are primarily permanent in nature, R4 occupancy is for a use type for more than 4 people but no more than 16 who reside on a 24 hour basis and receive custodial care, Mixed Use occupancy contains more than one occupancy group.

[2] "Density Units" as defined by the City of San Luis Zoning Ordinance (Density Units are the number of dwellings per net acre, based on dwelling size and number of bedrooms, i.e., studio unit under 600 square feet equals 0.5 Density Units, while a two-bedroom unit equals 1.0 Density Units).

sf = square feet

Figure 2-5 Conceptual Site Plan

Source: RRM Design Group, 2021.

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Other Project Components

The project includes a 2,250-square foot clubhouse building with a 2,800-square foot patio area. The clubhouse building would provide meeting areas, an indoor game area, a common lounge, administrative office area, and a community kitchen. The building would also serve as a temporary sales office and an administrative building during project sales and construction.

City development regulations specify a setback for Acacia Creek of 35 feet, Figure 2-5shows the location of the top of bank for Acacia Creek near the project site. The Zoning Regulations section 17.70.030 requires a 35-foot setback from the top of bank for new structures. The proposed project is requesting a minimum setback of approximately 10 feet from the average top of bank for a bicycle/pedestrian path to connect to Damon-Garcia Sports Fields (and an average shared-use path of 20 feet) and a minor exception for a maximum 10-foot encroachment into the setback for portions of Buildings 14 and 21 from the average top of bank. Zoning Regulations section 17.70.030 stipulate that an exception to the creek setback requirements may be considered where substantiated evidence is available that will result in better implementation of other Zoning Regulations or General Plan policies while allowing reasonable use of the site, and specific findings can be made by the decision-making body. The Biological Resources Assessment (BRA) prepared for the project by Kevin Merk Associates, LLC (Appendix B) concludes the encroachment area will not threaten sensitive species or the riparian corridor. In order to further the purposes of Zoning Regulations section 17.70.030, the project proposes an increase in the riparian setback elsewhere along the corridor, such that it averages approximately 40 feet. Proposed building and landscape setbacks along Tank Farm Road range from 10 to 15 feet (including the public sidewalk in a pedestrian easement), and 5 to 15 feet along Santa Fe Road.

The project's required creek setbacks, common areas and open space in the northwest corner of the project site would result in 20 percent of the site being landscaped common open space, including play areas, tot lots, and landscape parkways. The project would require removal of twelve (12) non-native ornamental trees on the project site. Native vegetation is associated with the Acacia Creek corridor along the west side of the project site; however, no native trees are proposed to be removed.

Bike and pedestrian trips would be facilitated by a proposed connection to the 650 Tank Farm Road property and extension of the onsite shared-use path to the shared-use path at the Damon-Garcia Sports Fields to the north. A new bridge connecting the project site to the 650 Tank Farm Road property is planned to be installed by the developer of that property (refer to Figure 2-5). The planned bridge connecting the project site to the 650 Tank Farm Road property would provide a secondary emergency access route, pedestrian access and bicycle access. The planned bridge connecting 600 Tank Farm and 650 Tank Farm will not be open to motor vehicle traffic, other than emergency response vehicles.

2.5.2 Transportation Improvements

The area that the project will have to improve falls within the definition of a project (CEQA Guidelines Section 15378). The project would be required to contribute its fair share toward transportation improvements envisioned in the General Plan Circulation Element and shown in the AASP, either through participation in the City's Transportation Impact Fee program, or as conditions of approval per the circulation recommendations identified in the focused transportation study prepared for the project. Transportation improvements funded or constructed by this project include widening Tank Farm Road along the project frontage (provides two westbound auto lanes,

protected bike lanes, curb/gutter, sidewalk and parkway on the north side of the street), construction of a roundabout at the intersection of Tank Farm Road and Santa Fe Road (west), and construction of a portion of the Santa Fe Road Extension north of Tank Farm Road (including two travel lanes, sidewalks and protected bike lanes on the east side). These improvements are included in the City's list of Transportation Capital Projects in the General Plan Circulation Element and Active Transportation Plan and are shown in the AASP. The anticipated area within which these required improvements would be constructed is identified in Figure 2-2 as within the EIR study area.

A Multimodal Transportation Impact Study (TIS) has been completed by Central Coast Transportation Consulting in support of the City's General Plan Circulation Element consistency evaluation. The TIS is included in the Environmental Impact Report (EIR) as Appendix B to inform the City's final determination of transportation improvements that would be required to support the project for conformance with local policies outside of CEQA. A conceptual rendering of the potential transportation improvements in the vicinity of the Santa Fe Road/Tank Farm Road intersection are shown in Figure 2-6.

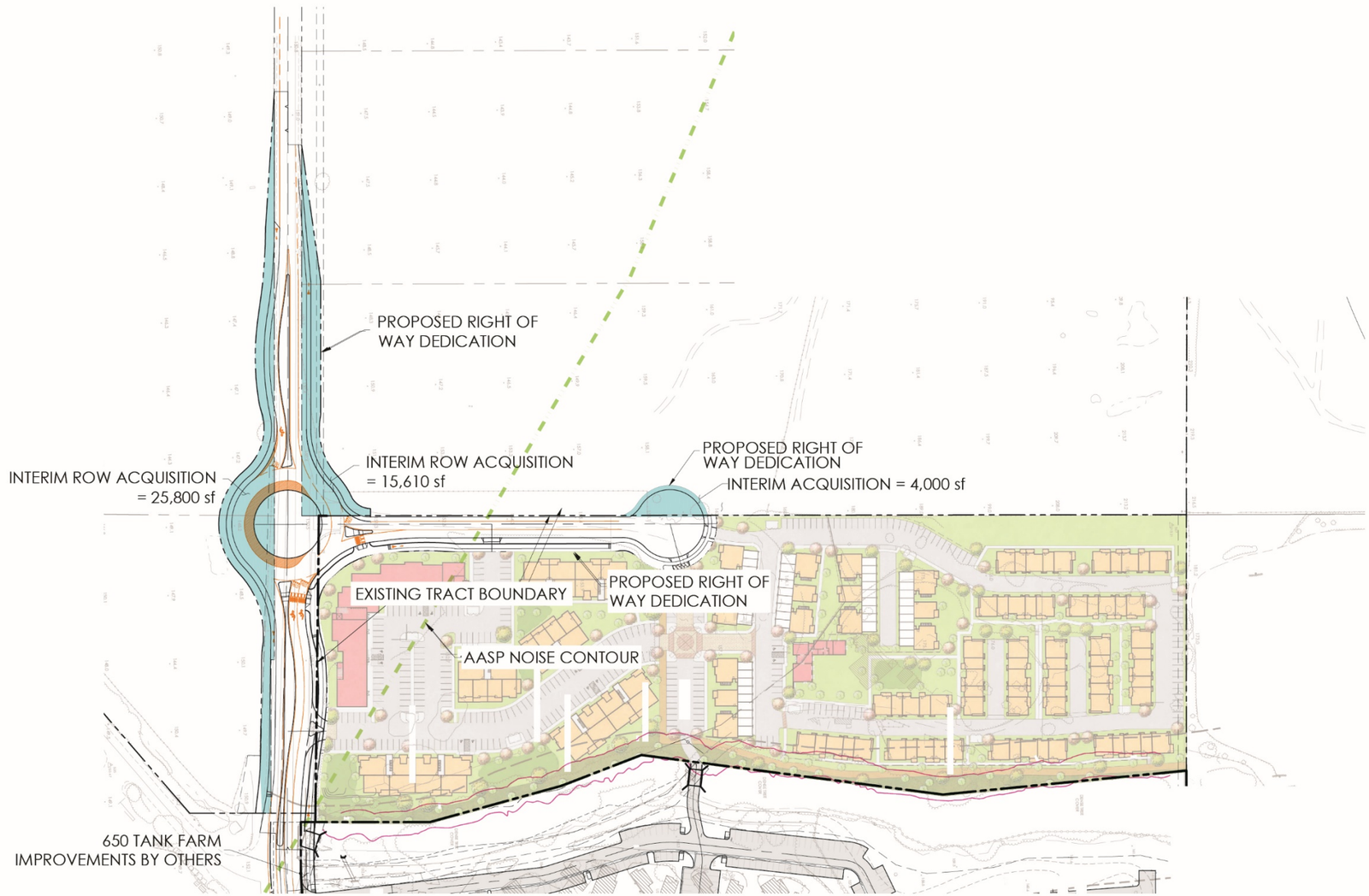
2.5.3 Grading and Drainage

The project site would be stepped in four 5-foot sections/benches, with an upper bench of approximately 160-168 feet msl in the northern portion of the property, a middle bench of approximately 160 feet msl around the central portion of the property, and two lower benches of approximately 152-156 feet msl in the southern portion of the property. Figure 2-7 and Figure 2-8 show the conceptual site sections. The proposed grading, totaling approximately 29,000 cubic feet, would be comprised of approximately 17,000 cubic yards of cut and an additional 12,000 cubic yards of import. Stormwater would be captured in six bioretention areas. The grading would contour the project site for stormwater to drain from west to east toward localized surface bioswales adjacent to Acacia Creek, which would drain toward an existing retention basin in the southeast corner of the site. This basin would discharge into Acacia Creek at the pre-development rate as required by the City's Drainage Master Plan and the City's storm water regulations. There is also an existing drainage pipe under Tank Farm Road that permits site drainage to the south.

2.5.4 Construction and Phasing

The project is planned to be constructed in two phases. Phase 1 would include 124 multifamily residential units on the central portion of the project site, the completion of Santa Fe Road along the project frontage, completion of the shared-use bicycle/pedestrian path along Acacia Creek connecting bicycles and pedestrians from Tank Farm to Damon-Garcia Sports Fields, construction of the Tank Farm Road/Santa Fe Road (west) roundabout (north, west and east legs with two westbound lanes and one eastbound lane) and the completion of the frontage improvements along Tank Farm road. Phase 2 would include 116 multifamily residential units, 40 mixed-use units and 12,500 square feet of commercial-service/office space, and remaining project improvements. The conceptual phasing plan is shown in Figure 2-9.

Figure 2-6 Conceptual Illustration of Santa Fe Road/Tank Farm Road Intersection Improvements



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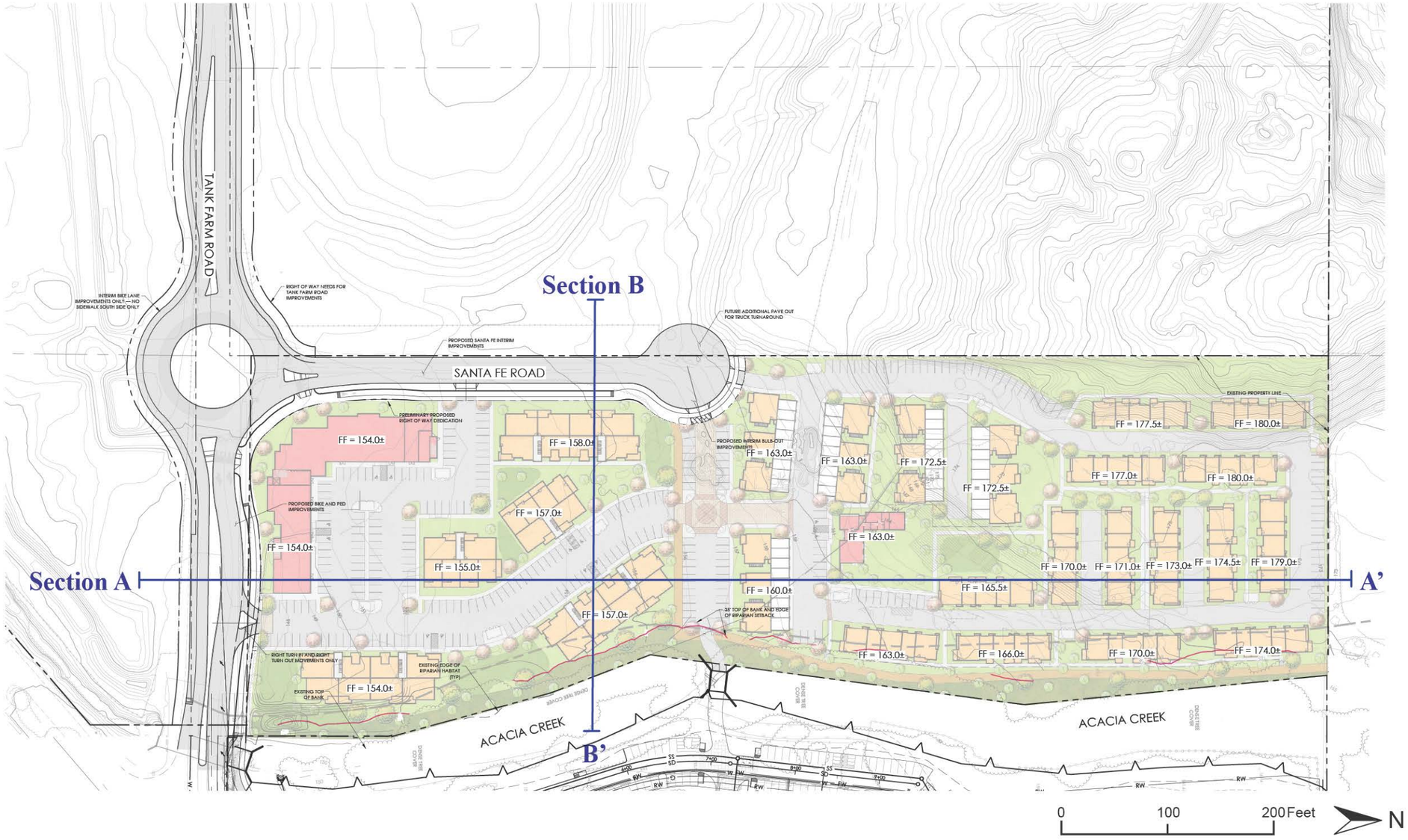
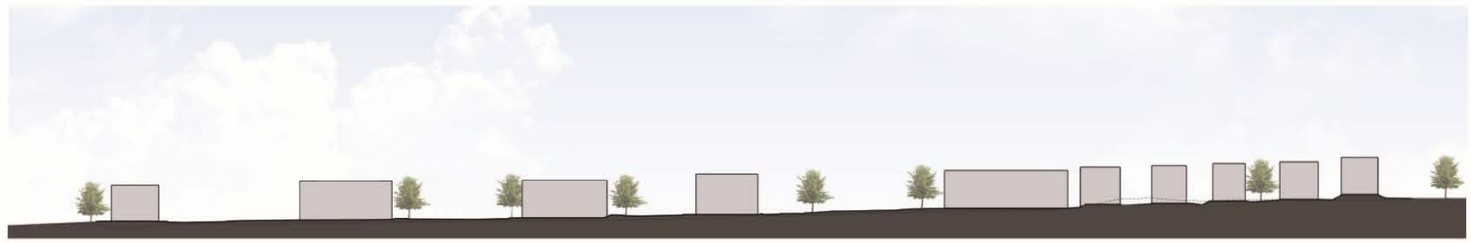
Source: RRM Design Group, 2021.

Figure 2-7 Conceptual Site Grading – Sections/Benches

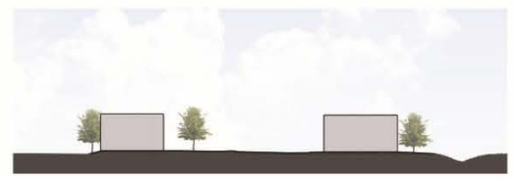


Source: RRM Design Group, 2021.

Figure 2-8 Conceptual Site Grading – Sections/Benches



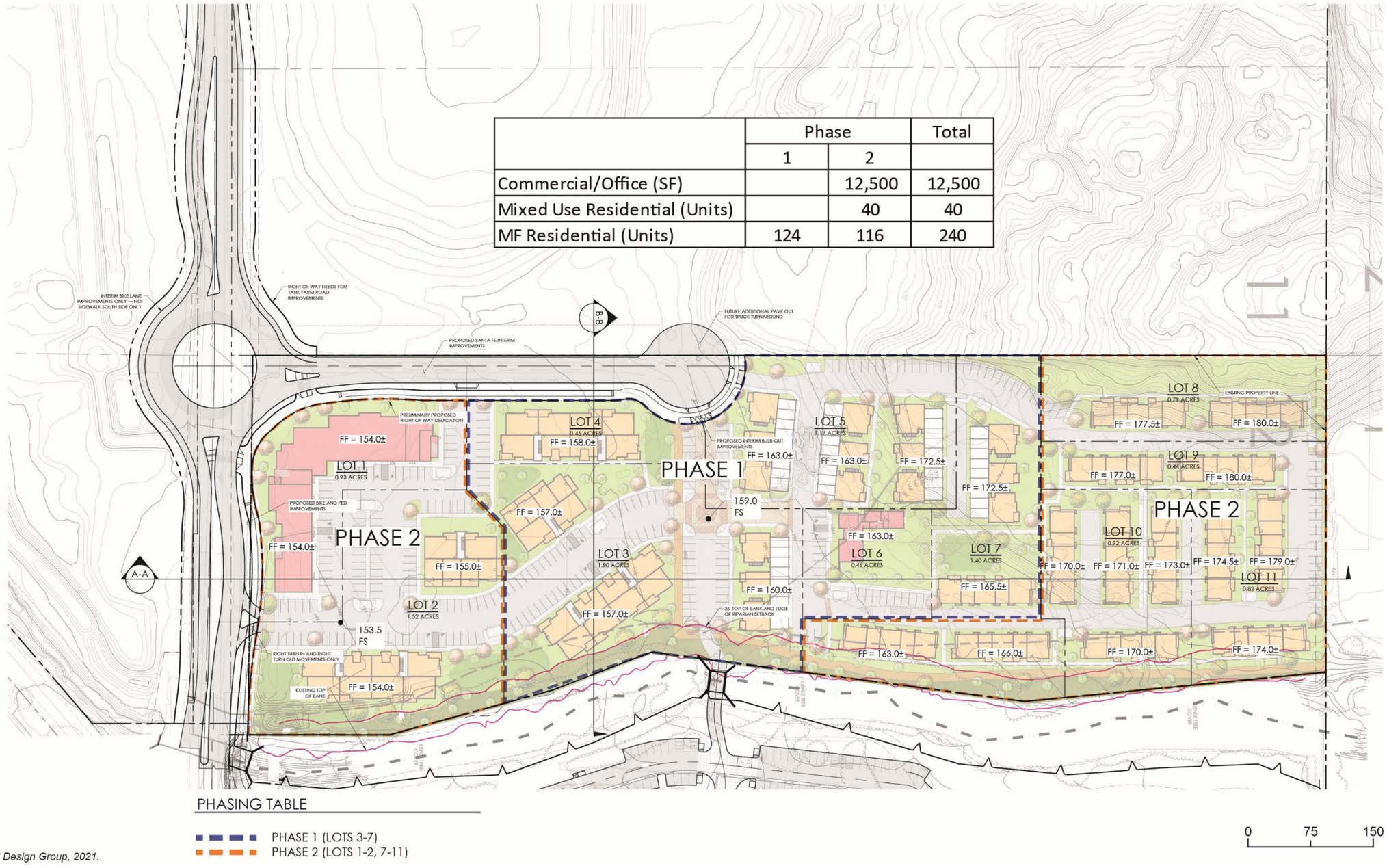
SITE SECTION A-A



SITE SECTION B-B

Source: RRM Design Group, 2021.

Figure 2-9 Conceptual Phasing Plan



	Phase		Total
	1	2	
Commercial/Office (SF)		12,500	12,500
Mixed Use Residential (Units)		40	40
MF Residential (Units)	124	116	240

Source: RRM Design Group, 2021.

2.5.5 Utilities

The City of San Luis Obispo Utilities Department provides water and wastewater services, and the Public Works Department provides stormwater services. Pacific Gas and Electric (PG&E) supplies electricity. Per the City's Clean Energy Choice Program, the project would construct all-electric buildings that would not rely on natural gas as an energy source.

2.5.6 Green Building Features

The project includes energy efficiency measures including an all-electric design and the installation of solar panels. In addition, shared cars would be provided at a minimum rate of one car per 50 units to reduce the need for additional vehicles in each housing unit. The project includes a preference program for housing units for workers within a 1.5-mile radius of the project site to encourage commuting without the use of vehicles.

2.6 Project Objectives

The primary objectives for the project are as follows:

1. Develop an economically feasible plan that is consistent with, and implements, policies within the City's General Plan and AASP.
2. Establish a complete internally and externally "linked" mixed use community with amenities such as neighborhood parks and commercial goods and services that can serve the neighborhood.
3. Provide a variety of housing opportunities for a wide range of socioeconomic groups and affordability levels, and at average unit sizes that are below current City averages.
4. Develop a Project with the maximum number of units permitted by the underlying zoning, approximately 280 residential units, with approximately 261,200 square feet of total residential floor space and 12,500 square feet of commercial floor space.
5. Develop the Acacia Creek frontage in a manner that provides that area as a Project amenity without jeopardizing the creek's biological resources or riparian qualities.
6. Implement the City-planned Tank Farm Road/Santa Fe Road (west) roundabout and infrastructure improvements to improve traffic flow and safety for all road users in a manner that does not exceed the level of impact fees generated on-site over the buildout of the project.
7. Provide a well-connected internal network of bicycle paths, pedestrian sidewalks, open space buffers, private parks, and spaces for recreational activities, including development of a shared-use bicycle/pedestrian path between Tank Farm Road and Damon-Garcia Sports Fields within the 35' creek setback, and protected bike lanes consistent with the Active Transportation Plan.
8. Provide City-identified roadway network improvements that meet current and long-term traffic projections with preference for non-vehicular traffic modes.
9. Market and orient the project to the surrounding employers to reduce vehicle miles travelled and to maximize the use of non-vehicular traffic modes.
10. Develop a project that complies with the safety, noise and overflight policies of the City's Airport Overlay Zone and the San Luis Obispo County Airport Land Use Plan.

2.7 Required Approvals

The City of San Luis Obispo is the lead agency for the project. As described above, the proposed project requests the following City entitlements: a General Plan Map Amendment, a rezone of the property, a Specific Plan Amendment to the AASP, Conceptual Site Plan, Minor Use Permit, Major Development Review, and a Development Agreement. Approval of these entitlements would allow a final development plan for the project site (consistent with the requirements of the granted entitlements) including grading permits, improvement plans, and building permits to be handled by the City as ministerial approvals.

Construction of the public improvements described in Section 2.5.2, Transportation Improvements, may require coordination with and an encroachment permit from San Luis Obispo County.

The project will be reviewed by the Airport Land Use Commission (ALUC) to determine whether it is consistent with the adopted San Luis Obispo County Airport Land Use Plan (ALUP). Development of the project site under the proposed project would be required to comply with the Regional Water Quality Control Board (RWQCB) Post Construction Storm Water Requirements for redeveloped sites. Future development in the EIR study area required to support the proposed development, including widening of Tank Farm Road along the project's frontage east of the project site may require work within Acacia Creek. As such, development may require permitting per Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers, with associated water quality certification under Section 401 from the RWQCB, as well as permitting under Section 1600 et seq. of the California Fish and Game Code from the California Department of Fish and Wildlife.

3 Environmental Setting

This section provides a general overview of the environmental setting for the proposed project. More detailed descriptions of the environmental setting for each environmental issue area can be found in Section 4.0, *Environmental Impact Analysis*.

3.1 Regional Setting

The project site is located in the City of San Luis Obispo, which is within San Luis Obispo County. San Luis Obispo County is bounded by the Pacific Ocean to the west, Monterey County to the north, Kern County to the east, and Santa Barbara County to the south. As a region, San Luis Obispo County is moderately urbanized, but remains a generally low-density, rural, and agricultural area of California that has grown as a major tourist destination. All of the urban areas within San Luis Obispo County are linked to either State Route 1 (SR 1) or U.S. Highway 101 (U.S. 101), which are the primary transportation corridors serving the region.

The City of San Luis Obispo is located between the San Lucia Mountains and the coastal mountains that frame the Los Osos Valley. The City is the business and government hub of San Luis Obispo County, and is the largest incorporated city between Santa Maria and Salinas. Agricultural valleys and open space surround most of the city, including vineyards and field crops, scrub oak, and grassland communities. The city's topography and its proximity to the Pacific Ocean serve not only as major contributors to the scenic nature of the area, but also define the local climate. San Luis Obispo enjoys a Mediterranean climate with mild winters, warm summers, and moderate rainfall. The City is located approximately five miles from the ocean. The city experiences prevailing winds which are typically from the northwest, although there are important daily and seasonal variations in both direction and velocity.

3.2 Project Site Setting

The project site is located adjacent to the southern city limits near unincorporated areas of San Luis Obispo County. As shown in Figure 2-2 in Section 2, Project Description, the project site is bordered by Tank Farm Road to the south, which is a major corridor connecting the western and eastern portions of the city. The site is located just 1,000 feet northwest of a major employment area focused on the intersection of Broad Street and Tank Farm Road. West of the project site along Tank Farm Road is a more rural setting, which consists primarily of the undeveloped Chevron property, while the San Luis Obispo County Regional Airport is approximately 1,400 feet south of the project site across Tank Farm Road.

The project site is currently used for vehicle parking and construction material storage. The site has been impacted by existing uses as well as previous grading and rock quarry activities. Acacia Creek with riparian and tall vegetation borders the project site to the east. The project site is relatively flat and slopes from the northwest to southeast, with an average site elevation of 180 feet above sea level. Soils on the project site consists of alluvial soils with serpentine rock.

3.3 Cumulative Development

A project's cumulative impacts are the possible environmental effects that may be cumulatively considerable when accounted for in combination with other reasonably foreseeable projects (*CEQA Guidelines* Section 15065[a][3]). Cumulatively considerable impacts occur when the incremental effects of a particular project or program are significant when viewed in connection with the effects of other past, current, or probable future projects or programs that are not incorporated into baseline or existing conditions.

As described in Section 15355 of the *CEQA Guidelines*, a cumulative impact occurs as the result of a combination of the project evaluated in the EIR together with other projects. According to Section 15130 of the *CEQA Guidelines*, the discussion of cumulative impacts must reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide a similar level of detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects that do not contribute to the cumulative impact. Impacts that do not result in part from the project evaluated in an EIR (the project's "contribution" to a potential cumulative effect) need not be discussed.

Each of the impact subsections in Section 4 of this EIR discuss the potential cumulative environmental impacts resulting from the project in association with other planned, pending, and reasonably foreseeable projects in the vicinity of the project area. For the purpose of this EIR, cumulative development in the City of San Luis Obispo would consist of approximately 4,039 residential units, 605 senior and assisted living units, 817 hotel rooms, 1.2 million square feet of commercial/business park development, and 17,703 square feet of a water resource facility throughout the city. Because the project site is adjacent to the city limit, potential cumulative projects in the sphere of influence and County of San Luis Obispo adjacent to the site are also considered. Table 3-1 lists the projects included in the cumulative impact analyses.

Table 3-1 Cumulative Projects List

Project Name	Project Land Use	Project Size	Status
Cumulative Projects in the City of San Luis Obispo			
Orcutt Area Specific Plan (OASP)			
Bullock Ranch	Residential- Multi-family and Mixed Use	192 units 585 sf commercial	Under Review
Pratt Property	Mixed Use	35 units 3,400 sf commercial	Building Permit Review
Taylor Ranch – South Morros -Vinifera	Residential- Single- and Multi-family	93 units	Building Permit Review and Under Construction
Righetti Ranch	Residential- Single- and Multi-family	304 units	Building Permit Review and Under Construction
Jones Subdivision	Mixed Use	64 units 10,400 sf commercial	Building Permit Review and Under Construction
West Creek – Noveno - Vintage	Residential- Single- and Multi-family	172 units	Building Permit Review and Under Construction

Project Name	Project Land Use	Project Size	Status
Margarita Area Specific Plan (MASP)			
Prado Business Park	Office/Medical and Industrial	159,663 sf commercial	Building Permit Review
Toscano Moresco	Single and Multi-family	206 units	Building Permit Review and Under Construction
Airport Area Specific Plan			
SLO Airport Hotel	Hotel	204 hotel rooms	Environmental Review
Avila Ranch	Mixed Use	720 units 20,000 sf commercial	Under Review
Tank Farm Commerce Park	Commercial	29,280 sf commercial	Planning Approval
NWC Broad	Mixed Use	111-unit Assisted Living 61,745 sf commercial	Building Permit Review
650 Tank Farm	Mixed-Use	249 units 18,600 sf commercial	Building Permit Review
862 Aerovista	Office/Medical and Industrial	35,908 sf commercial	Building Permit Review
San Luis Ranch Specific Plan			
San Luis Ranch Specific Plan	Mixed Use	654 units 200 hotel rooms 350,000 sf commercial	Building Permit Review and Under Construction
Froom Ranch Specific Plan			
Froom Ranch Specific Plan	Mixed Use	404-unit Life Plan Community 174 units 120 hotel rooms 30,000 sf commercial	Specific Plan and Vesting Tentative Map approved; annexation pending review by LAFCO
Residential and Mixed-Use Infill Developments			
HASLO Victoria	Mixed Use	33 units 1,400 sf commercial	Under Review
736 Orcutt MU	Mixed Use	40 units 850 sq commercial	Under Review
Broad Residential	Residential	6 units	Under Review
956 Monterey Mixed Use	Mixed Use	20 units 4,000 sf commercial	Under Review
Bridge Street	Mixed Use	94 units 924 sf commercial	Under Review
The Network	Mixed Use	36 units 10,613 sf commercial	Under Review
1131 Olive Mixed Use	Mixed Use	10 units 934 sf commercial	Planning Approval
Marsh and Chorro	Mixed Use	50 units 30,000 sf commercial	Planning Approval

Project Name	Project Land Use	Project Size	Status
545 Higuera Mixed Use	Mixed Use	39 units 8 hotel rooms 5,209 sf commercial	Planning Approval
Lofts at the Creamery	Mixed Use	36 units 68 sf commercial	Planning Approval
Mill Street Commons	Residential- Multi-family	5 units	Building Permit Review
207 Higuera Mixed Use	Mixed Use	16 units 390 sf commercial	Building Permit Review
Broad Street Mixed Use	Mixed Use	10 units 6,000 sf commercial	Building Permit Review
Peach Street	Residential- Single-family	5 units	Building Permit Review
Laurel Creek	Residential- Multi-family	100 units	Building Permit Review
Tribune Work/Live	Residential- Multi-family	30 units	Building Permit Review
Mail Pouch South	Residential- Multi-family	10 units	Building Permit Review
830 Orcutt	Mixed Use	15 units 1,714 sf commercial	Building Permit Review
Orcutt Road Apartments	Residential- Multi-family	15 units	Building Permit Review
The Yard	Residential- Multi-family	23 units	Under Construction
Broad Street Place	Mixed Use	40 units 1,250 sf commercial	Under Construction
Montalban Mixed Use	Mixed Use	15 units 430 sf commercial	Under Construction
Victoria and Caudill Mixed-Use	Residential- Multi-family	8 units	Under Construction
Foothill Mixed Use	Mixed Use	78 units 6,805 sf commercial	Under Construction
Victoria Crossing	Mixed Use	33 units 3,150 sf commercial	Under Construction
1259 Laurel Lane	Residential- Multi-family	22 units	Under Construction
Rockview Moderns	Residential- Single-family	8 units	Under Construction
The Connect	Mixed Use	78 units 6,800 sf commercial	Under Construction
Twin Creeks	Mixed Use	94 units 3,488 sf commercial	Under Construction
The 2120	Mixed Use	69 units 3,000 sf commercial	Under Construction

Project Name	Project Land Use	Project Size	Status
Bridge Street (Terraza)	Residential- Multi-family	8 units	Under Construction
Hotels and Mixed-Use Infill Development			
Montorosa Mixed Use	Mixed Use	1 unit 44 hotel rooms 1,558 sf commercial	Under Review
Olive Mixed Use	Mixed Use	15 units 3,500 sf commercial	Planning Approval
Hotel at the Creamery	Commercial	47 hotel rooms 6,698 sf commercial	Planning Approval
San Luis Square	Mixed Use	52 units 16 hotel rooms 14,141 sf commercial	Planning Approval
Monterey Place	Mixed Use	30 units 3 hotel rooms 12,255 sf commercial	Building Permit Review
Broad Street Collection	Mixed Use	32 units 6 hotel rooms	Building Permit Review
TownePlace Suites	Commercial	114 hotel rooms 69,293 sf commercial	Under Construction
Motel Inn	Hotel	55 hotel rooms	Under Construction
Non-Residential Infill Developments			
French Hospital Patient Tower	Commercial	87,870 sf commercial	Under Review
Broad Villages	Assisted Living	59-beds	Under Review
Long Bonetti Building K	Commercial	6,446 sf commercial	Under Review
HASLO Headquarters	Commercial	13,082 sf commercial	Planning Approval
Palm Parking Garage	Parking	n/a	Planning Approval
SLO Rep Theater	Commercial	23,334 sf commercial	Planning Approval
Airport Business Center	Commercial	6,830 sf commercial	Building Permit Review
Madonna Plaza	Commercial	12,508 sf commercial	Building Permit Review
Fredericks Care Facility	Assisted Living	35-beds	Building Permit Review
RTA Maintenance Facility	Commercial	23,270 sf commercial	Under Construction
Water Resource Recovery Facility	Utility	17,704 sf water resource facility	Under Construction
Perry Ford Addition	Commercial	7,895 sf commercial	Under Construction
Long-Bonetti Public Market	Commercial	46,932 sf commercial	Under Construction
Poly Performance	Commercial	30,275 sf commercial	Under Construction
Cumulative Projects in the County of San Luis Obispo			
Chevron Remediation	Remediation, Open Space, and Commercial	250 acres	Under Review

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4 Environmental Impact Analysis

This section discusses the possible environmental effects of the project for the specific issue areas that were identified through the Notice of Preparation (NOP)/scoping process as having the potential to experience significant effects.

A "significant effect" is defined by the *CEQA Guidelines* Section 15382 as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."

The assessment of each issue area begins with a discussion of the environmental setting related to the issue, which is followed by the impact analysis. In the impact analysis, the first subsection identifies the methodologies used and the "significance thresholds," which are those criteria adopted by the City and other agencies, universally recognized, or developed specifically for this analysis to determine whether potential effects are significant. The next subsection describes each impact of the proposed project, mitigation measures for significant impacts, and the level of significance after mitigation. Each effect under consideration for an issue area is separately listed in bold text with the discussion of the effect and its significance. Each bolded impact statement also contains a statement of the significance determination for the environmental impact as follows:

- **Significant and Unavoidable**. An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per §15093 of the CEQA Guidelines.
- **Less than Significant with Mitigation Incorporated**. An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under §15091 of the CEQA Guidelines.
- **Less than Significant**. An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact.** The proposed project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Mandatory Findings of Significance

Following each environmental impact discussion is a list of mitigation measures (if required) and the residual effects or level of significance remaining after implementation of the measure(s). In cases where the mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is discussed and evaluated as a secondary impact. The impact analysis concludes with a discussion of cumulative effects, which evaluates the impacts associated with the proposed project in conjunction with other planned and pending developments in the area listed in Section 3, Environmental Setting.

Section 15065 of the CEQA Guidelines also requires the following specific Mandatory Findings of Significance be addressed as part of the environmental review for the project:

- The potential for the project to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory;
- Project impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects); and
- Environmental effects of the project which will cause substantial adverse effects on human beings, either directly or indirectly.

Section 4.2, Biological Resources, describes the project's potential effects of the project on plant and animal species populations, habitats, communities, and migratory patterns. Section 4.3, Cultural Resources and Tribal Cultural Resources, describes the project's potential effects on important historic and prehistoric cultural and tribal cultural resources on the project site. Potential adverse environmental effects to human beings are discussed in Section 4.1, Air Quality; Section 4.6, Hazards, Hazardous Materials, and Safety; Section 4.7, Hydrology and Water Quality; Section 4.8, Land Use and Planning; Section 4.9, Noise; and Section 4.11, Impacts Addressed in the Initial Study. Furthermore, as discussed above, each environmental analysis section of the EIR concludes with a discussion of the project's contribution to cumulative effects.

The Executive Summary of this EIR summarizes all impacts and mitigation measures that apply to the project.

Impacts Associated with Off-Site Improvements

The project may be required to contribute fair share fees toward off-site improvements, either through implementation of required mitigation measures included in this EIR, as conditions of approval, or under a reimbursement agreement with the City. A general description of required transportation improvements is included in Section 2.5.2, Transportation Improvements. Additional anticipated transportation improvements that would be funded by this project include a pedestrian and bicycle connection to the west of the project site as a requirement of pedestrian safety mitigation (refer to Section 4.6, Hazards, Hazardous Materials, and Safety). These improvements are included in the City's list of Transportation Capital Projects in the General Plan Circulation Element and is shown in the Airport Area Specific Plan (AASP). Final improvements for bike paths, curbing, sidewalk, and parkway strip would be installed on the project's frontages. This EIR considers the potential environmental effects of such improvements that are not included in the project as described in Section 2, Project Description, at a programmatic level.

A Transportation Impact Study (TIS) has been completed by Central Coast Transportation Consulting to inform the City's General Plan Circulation Element consistency evaluation. State Senate Bill (SB) 743, codified in Public Resources Code section 21099, required changes to the CEQA Guidelines regarding the analysis of transportation impacts. Pursuant to Section 21099, the criteria for determining the significance of transportation impacts must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (Id., subd. (b)(1); see generally, adopted CEQA Guidelines, §15064.3, subd. (b) [Criteria for Analyzing Transportation Impacts].) As a result of SB 743, traffic congestion is no longer considered a potentially significant environmental impact under CEQA. The TIS is included in the Environmental

Impact Report (EIR) as Appendix B and is the basis for the City's final determination of off-site transportation improvements required either through mitigation measures carried forward from the TIS into the EIR in compliance with SB 743, or to address non-CEQA transportation issues, including local congestion. As noted above, potential off-site improvements that are not considered part of the project described in Section 2, Project Description, but may be required as a result of mitigation measures in this EIR or Conditions of Approval, would typically be constructed by the project applicant or constructed using funding provided by the applicant. If the project applicant is required to construct off-site improvements that are not part of the project evaluated in this EIR, the applicant would ultimately be reimbursed based on its fair share of use as determined through the traffic analysis.

Off-site transportation improvements beyond those described in Section 2, Project Description, have not been designed, and evaluation of the potential environmental effects of such improvements in this EIR would be speculative (CEQA Guidelines Section 15145). Therefore, the discussion of such off-site improvements in this EIR is intended to provide a generalized description of the identified improvements and a programmatic discussion of the potential environmental effects that may result from constructing the improvements. Any off-site improvements beyond those described in Section 2, Project Description, would ultimately require subsequent project-level environmental review consistent with the requirements of CEQA Guidelines Section 15152 at the time design-level information is available for such improvements.

Off-site improvements may result in temporary or long-term environmental effects related primarily to air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology/water quality, land use/planning, and noise.

The pedestrian and bicycle connection to the west of the project site is generally located on the adjacent property to the west that has an approved project – the Chevron Tank Farm Remediation and Development Project – the environmental effects of which were evaluated and disclosed in a certified Final EIR (State Clearinghouse No. 2009031001). The Final EIR for the Chevron Tank Farm Remediation and Development Project also identified required payment of fair share fees for transportation infrastructure improvements along Tank Farm Road and at the intersection of Tank Farm Road and Santa Fe Road, consistent with the General Plan Circulation Element and the AASP. The potential residual impacts of these off-site improvements are discussed programmatically in the certified Final EIR for the Chevron Tank Farm Remediation and Development Project but have not been evaluated at a project level.

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4.1 Air Quality

This section analyzes the effects of the proposed project on regional and local air quality. The analysis in this section considers the temporary air quality effects relating to construction activity as well as the potential long-term air quality effects associated with project operation. The analysis is based in part on modeling using the California Emissions Estimator Model (CalEEMod) and a CEQA Transportation Impact Analysis Memorandum prepared for the project by Central Coast Transportation Consulting in October 2020. Modeling outputs are included in Appendix C and the CEQA Transportation Impact Analysis Memorandum is included in Appendix B of this EIR.

4.1.1 Environmental Setting

a. Local Climate and Meteorology

The project site is located in the South Central Coast Air Basin (Basin), which covers San Luis Obispo, Santa Barbara, and Ventura counties. The San Luis Obispo County Air Pollution Control District (SLOAPCD) monitors and regulates the local air quality in the San Luis Obispo County portion of the Basin and manages the Strategic Action Plan (SAP), which provides the goals, performance measures, and strategies intended to guide SLOAPCD's actions over a 5-year period. The analysis presented in this section is based partially on information from SLOAPCD's CEQA Air Quality Handbook, adopted in 2012, and SLOAPCD's 2017 Clarification Memorandum published November 14, 2017.

Air quality is affected by stationary sources (e.g., industrial uses and oil and gas operations) and mobile sources (e.g., motor vehicles). Air quality at a given location is a function of several factors, including the quantity and type of pollutants emitted locally and regionally and the dispersion rates of pollutants in the region. The primary factors that affect pollutant dispersion include wind speed and direction, atmospheric stability, temperature, the presence or absence of inversions, and topography.

The project site is located in the northeastern portion of the Basin, which experiences moderate variability in temperatures tempered by coastal processes. The air quality in the Basin is influenced by a wide range of emission sources, such as dense population centers, heavy vehicular traffic, industry, and weather. Meteorological conditions in San Luis Obispo County typically consist of average temperatures varying from 40 to 70 degrees Fahrenheit seasonally, with precipitation observed 33 percent of the year, mainly from December through March (County of San Luis Obispo 2001). Wind speeds vary from 0 to 20 mph throughout the year, and the wind is most often out of the northwest and west. Annual rainfall averages from 16 to 28 inches in the Coastal Plain per year (County of San Luis Obispo 2001).

b. Air Quality Standards

The U.S. Environmental Protection Agency (US EPA) has set primary national ambient air quality standards (NAAQS) for ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter with a diameter of 10 microns or less (PM_{10}), particulate matter with a diameter of 2.5 microns or less ($PM_{2.5}$), and lead (Pb). Primary standards are those levels of air quality deemed necessary, with an adequate margin of safety, to protect public health. In addition, California has established the California ambient air quality standards (CAAQS) for these and other

pollutants, some of which are more stringent than federal standards. Table 4.1-1 lists the current federal and state standards for regulated pollutants.

Table 4.1-1 Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	Federal Primary Standards	California Standard
Ozone	1-Hour	-	0.09 ppm
	8-Hour	0.070 ppm	0.070 ppm
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.053 ppm	0.030 ppm
	1-Hour	0.100 ppm	0.18 ppm
Sulfur Dioxide	24-Hour	0.14 ppm	0.04 ppm
	1-Hour	0.075 ppm	0.25 ppm
PM_{10}	Annual	-	20 µg/m^3
	24-Hour	150 µg/m^3	50 µg/m^3
$PM_{2.5}$	Annual	12 µg/m^3	12 µg/m^3
	24-Hour	35 µg/m^3	-
Lead	30-Day Average	-	1.5 µg/m^3
	3-Month Average	0.15 µg/m^3	-

ppm = parts per million, µg/m^3 = micrograms per cubic meter
Source: CARB 2016

If the standards are met, the Basin is classified as being in "attainment." If the standards are not met, the Basin is classified as being in "nonattainment," and the local air pollution control district is required to develop strategies to meet the standards. The project site is located in a region identified as being in nonattainment for ozone NAAQS and CAAQS and nonattainment for PM_{10} CAAQS (SLOAPCD 2019). In November 2012, the SLOAPCD adopted the 2013-2017 SAP Update, which provides a strategy for the attainment of federal ozone standards (SLOAPCD 2012).

c. Air Pollutants of Primary Concern

The federal and State clean air acts mandate the control and reduction of certain air pollutants. Under these laws, US EPA and CARB have established ambient air quality standards for certain "criteria" pollutants. Ambient air pollutant concentrations are affected by the rates and distributions of corresponding air pollutant emissions, and by the climate and topographic influences discussed above. A discussion of each primary criteria pollutant is provided below.

Ozone

Ozone is produced by a photochemical reaction (i.e., triggered by sunlight) between nitrogen oxides (NO_X) and reactive organic gases (ROG).[1] NO_X is formed during the combustion of fuels, while ROG is formed during combustion and evaporation of organic solvents. Because ozone requires sunlight to

[1] Organic compound precursors of ozone are routinely described by variations of three terms: hydrocarbons (HC), organic gases (OG), and organic compounds (OC). These terms are often modified by adjectives such as total, reactive, or volatile, and result in a rather confusing array of acronyms. Those important from an air quality perspective are: HC, THC (total hydrocarbons), RHC (reactive hydrocarbons), ROG (reactive organic gases), ROC (reactive organic compounds), and VOC (volatile organic compounds). SLOAPCD uses the term ROG to denote organic precursors.

form, it mostly occurs in substantial concentrations between the months of April and October. Ozone is a pungent, colorless, toxic gas with direct health effects on humans including respiratory and eye irritation and possible changes in lung functions. Groups most sensitive to ozone include children, the elderly, people with respiratory disorders, and people who exercise strenuously outdoors.

Carbon Monoxide

CO is an odorless, colorless gas and causes a number of health problems including fatigue, headache, confusion, and dizziness. The incomplete combustion of petroleum fuels in on-road vehicles and at power plants is a major cause of CO emissions. CO is also produced during the winter from wood stoves and fireplaces. CO tends to dissipate rapidly into the atmosphere; consequently, violations of the state CO standards are associated generally with major roadway intersections during peak-hour traffic conditions.

Localized CO “hotspots” can occur at intersections with heavy peak-hour traffic. Specifically, hotspots can be created at intersections where traffic levels are sufficiently high that the local CO concentration exceeds the NAAQS of 35.0 parts per million (ppm) or the CAAQS of 20.0 ppm.

Nitrogen Dioxide

Nitrogen dioxide (NO_2) is a by-product of fuel combustion, with the primary source being motor vehicles and industrial boilers and furnaces. Nitric oxide is the principal form of nitrogen oxide produced by combustion, but nitric oxide reacts rapidly to form NO_2, creating the mixture of NO and NO_2 commonly called NO_X. Nitrogen dioxide is an acute irritant. A relationship between NO_2 and chronic pulmonary fibrosis may exist, and an increase in bronchitis may occur in young children at concentrations below 0.3 ppm. Nitrogen dioxide absorbs blue light and causes a reddish brown cast to the atmosphere and reduced visibility. It can also contribute to the formation of PM_{10} and acid rain.

Suspended Particulate Matter

Suspended particulate matter, which includes PM_{10} and $PM_{2.5}$, is mostly dust particles, nitrates, and sulfates. Both PM_{10} and $PM_{2.5}$ are by-products of fuel combustion and wind erosion of soil and unpaved roads and are directly emitted into the atmosphere through these processes. Suspended particulates are also created in the atmosphere through chemical reactions. The characteristics, sources, and potential health effects associated with the small particulates (those between 2.5 and 10 microns in diameter) and fine particulates (those 2.5 microns and below) can be very different. The small particulates generally come from windblown dust and dust kicked up by mobile sources. The fine particulates are generally associated with combustion processes, and form in the atmosphere as a secondary pollutant through chemical reactions. Fine particulate matter is more likely to penetrate deeply into the lungs and poses a health threat to all groups, but particularly to the elderly, children, and those with respiratory problems. More than half of the small and fine particulate matter inhaled into the lungs remains there. These materials can damage health by interfering with the body’s mechanisms for clearing the respiratory tract or by acting as carriers of an adsorbed toxic substance.

Toxic Air Contaminants

The California Health and Safety Code defines a toxic air contaminant (TAC) as “an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a

present or potential hazard to human health." The majority of the estimated health risks from TACs can be attributed to relatively few compounds, the most important being particulate matter from diesel-fueled engines. According to CARB, diesel engine emissions are believed to be responsible for about 70 percent of California's estimated known cancer risk attributable to TACs and they make up about 8 percent of outdoor $PM_{2.5}$ (CARB 2021a).

Lead

Lead (Pb) is a metal found in the environment and in manufacturing products. The major sources of Pb emissions historically have been mobile and industrial sources. In the early 1970s, the US EPA set national regulations to gradually reduce the lead content in gasoline. In 1975, unleaded gasoline was introduced for motor vehicles equipped with catalytic converters. The US EPA completed the ban on the use of leaded gasoline in highway vehicles in December 1995. As a result of the US EPA's regulatory efforts to remove lead from gasoline, atmospheric lead concentrations have declined substantially over the past several decades. The most dramatic reductions in lead emissions occurred prior to 1990 due to the removal of lead from gasoline sold for most highway vehicles. Lead emissions were further reduced substantially between 1990 and 2008, with reductions occurring in the metals industries at least in part as a result of national emissions standards for hazardous air pollutants (US EPA 2014). Because of the phase out of leaded gasoline, metal processing is now the primary source of lead emissions. The highest level of lead in the air is found generally near lead smelters. Other stationary sources include waste incinerators, utilities, and lead-acid battery manufacturers.

Asbestos

The project site lies within the Naturally Occurring Asbestos (NOA) buffer area per SLOAPCD's NOA map and is therefore subject to CARB's Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. CARB has identified asbestos as a TAC that if inhaled may result in the development of lung cancer or cause other health hazards. NOA can be found in serpentine rock and can be released into the air when it is broken or crushed. In the County, serpentine rock is located in many regions, including the project site. Work in serpentine areas requires a SLOAPCD pre-approved dust control plan and may include asbestos air monitoring. Prior to any grading activities at a site within an area potentially containing NOA, the developer is required to comply with the applicable sections contained in the NOA ATCM, including the California Code of Regulations (CCR) Title 17, Section 93105.

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). ACM could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (asbestos-cement/transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation or a building(s) is proposed to be removed or renovated, various regulatory requirements may apply, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40 CFR 61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification to SLOAPCD, 2) an asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM.

d. Current Ambient Air Quality

SLOAPCD operates a network of air quality monitoring stations throughout the Basin that measure ambient concentrations of pollutants and determine whether ambient air quality meets federal and state standards. The monitoring station closest to the project site is the Higuera Street monitoring station, which is located approximately two miles west of the project site. Table 4.1-2 indicates the number of days each air quality standard was exceeded at the Higuera Street station for years in which data is available. The state PM_{10} standard was exceeded in 2017 and 2019, and the federal $PM_{2.5}$ standard was exceeded in 2018.

Table 4.1-2 Ambient Air Quality at the Higuera Street Monitoring Station

Pollutant	2017	2018	2019
8-Hour Ozone (ppm), 8-Hr Maximum	0.066	0.053	0.060
Number of Days of State exceedances (>0.070)	0	0	0
Number of days of Federal exceedances (>0.070)	0	0	0
Ozone (ppm), Worst Hour	0.074	0.062	0.064
Number of days of State exceedances (>0.09 ppm)	0	0	0
Number of days of Federal exceedances (>0.112 ppm)	0	0	0
Nitrogen Dioxide (ppb) - Worst Hour[1]	32.0	25.0	25.0
Number of days of State exceedances (>0.18 ppm)	0	0	0
Number of days of Federal exceedances (0.10 ppm)	0	0	0
Particulate Matter 10 microns, mg/m^3, Worst 24 Hours	70.1	46.4	103.7
Number of days above Federal standard (>150 mg/m^3)	0	0	0
Number of days above State standard (>50 mg/m^3)	5	0	1
Particulate Matter <2.5 microns, mg/m^3, Worst 24 Hours	25.6	38.4	14.8
Number of days above Federal standard (>35 mg/m^3)	0	1	0

[1] Nitrogen dioxide data is not available at the Higuera Street monitoring station for 2017-2019 and is instead provided for the next nearest station: Nipomo-Regional Park, located approximately 16 miles south of the project site.

Source: CARB 2021b

e. Sensitive Receptors

Ambient air quality standards have been established to represent the levels of air quality considered sufficient, with a margin of safety, to protect public health and welfare. They are designed to protect the segment of the public that is most susceptible to respiratory distress, such as children under 14, the elderly over 65, persons engaged in strenuous work or exercise, and people with cardiovascular and chronic respiratory diseases. The majority of sensitive receptor locations are places such as schools, hospitals, and residences. The sensitive receptors nearest to the project site are residences located east of and adjacent to the site.

f. San Joaquin Valley Fever

San Joaquin Valley Fever (Valley Fever), formally known as Coccidioidomycosis, is an infectious disease caused by the fungus *Coccidioides immitis*. Valley Fever is a disease of concern in the Basin. Infection is caused by inhalation of *Coccidioides immitis* spores that have become airborne when dry, dusty soil or dirt is disturbed by natural processes, such as wind or earthquakes, or by human-induced ground-disturbing activities, such as construction, farming, or other activities (SLOAPCD

2021). In 2019, the number of cases of Valley Fever reported in California was 9,004, with 265 cases reported in San Luis Obispo County (California Department of Public Health 2019). Between 2009 and 2012, the proportion of Valley Fever cases in the vicinity of the project site (City of San Luis Obispo) ranged from 0 to 38 cases per 100,000 people (County of San Luis Obispo 2014).

4.1.2 Regulatory Setting

a. Federal Regulations

Federal Clean Air Act

The US EPA is charged with implementing national air quality programs. US EPA's air quality mandates are drawn primarily from the federal Clean Air Act (CAA), passed in 1963 by the U.S. Congress and amended several times. The 1970 federal CAA amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including non-attainment requirements for areas not meeting NAAQS and the Prevention of Significant Deterioration program. The 1990 federal CAA amendments represent the latest in a series of federal efforts to regulate air quality in the United States. The federal CAA allows states to adopt more stringent standards or to include additional pollution species.

National Ambient Air Quality Standards

The federal CAA requires US EPA to establish primary and secondary NAAQS for a number of criteria air pollutants. The air pollutants for which standards have been established are considered the most prevalent air pollutants known to be hazardous to human health. NAAQS have been established for ozone, CO, NO_2, SO_2, PM_{10}, $PM_{2.5}$, and Pb.

b. State Regulations

California Clean Air Act

The California CAA, signed into law in 1988, requires all areas of the state to achieve and maintain the CAAQS by the earliest practical date. CARB is the state air pollution control agency and is a part of CalEPA. CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California, and for implementing the requirements of the California CAA. CARB overseas local district compliance with federal and California laws, approves local air quality plans, submits the state implementation plans to the US EPA, monitors air quality, determines and updates area designations and maps, and sets emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

California Ambient Air Quality Standards

The California CAA requires CARB to establish CAAQS. Similar to the NAAQS, CAAQS have been established for ozone, CO, NO_2, SO_2, PM_{10}, $PM_{2.5}$, Pb, vinyl chloride, hydrogen sulfide, sulfates, and visibility-reducing particulates. In most cases, the CAAQS are more stringent than the NAAQS. The California CAA specifies that local air districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources and provides districts with the authority to regulate indirect sources.

Assembly Bill 1493

Assembly Bill (AB) 1493 (2002), California's Advanced Clean Cars program (Pavley), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of greenhouse gas (GHG) emissions from motor vehicles." On June 30, 2009, US EPA granted the waiver of CAA preemption to California for its GHG standards for motor vehicles beginning with the 2009 model year. Pavley I took effect for model years starting in 2009 to 2016 and Pavley II, which is now referred to as "LEV (Low Emission Vehicle) III GHG" will cover 2017 to 2025. The Advanced Clean Cars program coordinates the goals of the LEV, Zero Emissions Vehicles (ZEV), and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, when the rules will be fully implemented, new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels.

c. Regional and Local Regulations

San Luis Obispo County Air Pollution Control District

In 2009, SLOAPCD adopted guidelines for assessment and mitigation of air quality impacts under CEQA. The CEQA Air Quality Handbook, which was updated in 2012 (SLOAPCD 2012) and subsequently amended in 2017 (SLOAPCD 2017a), is an advisory document that provides lead agencies, consultants, and project applicants with uniform procedures for addressing air quality issues in environmental documents. The CEQA Air Quality Handbook also includes standard construction and operational mitigation measures that may be applied to projects that exceed SLOAPCD thresholds. For instance, SLOAPCD requires inclusion of Best Available Control Technologies (BACTs) for construction equipment when estimated ozone precursor emissions for the equipment and vehicle fleet are expected to exceed adopted thresholds of significance and implementation of fugitive dust control measures (watering of the grading site, vegetation of exposed soils, early roadway paving, construction vehicle speed control, etc.) for any project with a grading area greater than 4 acres or that are located within 1,000 feet of any sensitive receptor.

SLOAPCD Clean Air Plan

SLOAPCD first adopted the Clean Air Plan in January 1992. It was updated in 1998 and again in 2001. The Clean Air Plan is a comprehensive planning document designed to reduce emissions from traditional industrial and commercial sources. The Clean Air Plan also aims to reduce emissions from motor vehicles by establishing goals and targets for reducing personal vehicle trips and trip lengths, such as encouraging or promoting multimodal alternatives. The purpose of the Clean Air Plan is to address the attainment and maintenance of state and federal ambient air quality standards by following a comprehensive set of emission control measures within the plan.

SLOAPCD Strategic Action Plan

SLOAPCD first adopted a Strategic Action Plan (SAP) in 2004 to guide how the District resources and efforts are applied. The most recent SAP is the 2013-2017 SAP Update, which includes the following six strategic goals and associated performance measures:

- **Goal: Achieve and maintain attainment with National and State health based standards.**

  <u>Performance Measures:</u>

  1. State and Federal air quality standards are attained

2. Ozone design values and precursor emissions trend downward or do not increase over a running 10-year period
3. PM_{10} and $PM_{2.5}$ design values and emissions trend downward over a running 10-year period

- **Goal: Manage toxic air contaminants to protect public health and meet risk thresholds.**

  Performance Measures:

  1. All new development approved by lead agencies meets the [SLOAPCD] Board [of Directors]-approved health risk thresholds in the APCD CEQA Handbook
  2. All new Authorities to Construct approved by APCD meet the Board-approved health risk thresholds
  3. All sources subject to State and Federal Air Toxics Regulations are in compliance with applicable requirements

- **Goal: Ensure air quality and public health impacts from land use are addressed.**

  Performance Measures:

  1. Approved air quality mitigation measures for new development projects are fully implemented.
  2. Ratio of new residential development generated outside vs. inside urban and village reserve lines declines annually (specific reduction goal to be established after baseline is determined)
  3. All new development approved by lead agencies meets the Board-approved health risk thresholds in the APCD CEQA Handbook

- **Goal: Minimize local and regional greenhouse gas emissions and impacts to meet State and Federal requirements.**

  Performance Measures:

  1. Greenhouse gas emissions (GHGs) in SLO County trend downward to meet the requirements of AB 32

- **Goal: Enhance awareness of local air quality and engage the community in working to promote clean air.**

  Performance Measures:

  1. Increased understanding of air quality issues by county residents and businesses over the period of this plan (specific improvement goal to be established after baseline is determined).
  2. Increased action by county residents to reduce personal impacts to air quality.
  3. Increase public and business awareness of APCD programs and operations.

- **Goal: Ensure quality and cost-effective service is provided in all program areas.**

  Performance Measures:

  1. Service and budget-based performance indicators meet overall performance rating of "Good."

2. Job knowledge ratings on annual staff performance evaluations are "above satisfactory" or better for the District as a whole.
3. Programs are adequately staffed and funded with non-reserve funds.
4. Funding reserves are maintained at or above 20% of annual budget.

City of San Luis Obispo General Plan

Several Elements of the City of San Luis Obispo's General Plan recognize the importance of achieving regional air quality objectives. The General Plan includes the following policies related to air quality:

CIRCULATION ELEMENT

- **Policy 2.1.5. Long-term Measure.** The City shall support programs that reduce traffic congestion and maintain air quality. If air quality degrades below legal standards or level of service (LOS) standards are exceeded, the City will pursue more stringent measures to achieve its transportation goals.
- **Policy 4.1.4. New Development.** The City shall require that new development provide bikeways, secure bicycle storage, parking facilities and showers consistent with City plans and development standards. When evaluating transportation impacts, the City shall use a Multimodal Level of Service analysis.
- **Policy 5.1.3. New Development.** New development shall provide sidewalks and pedestrian paths consistent with City policies, plans, programs and standards. When evaluating transportation impact[s], the City shall use a Multimodal Level of Service analysis. [2]

CONSERVATION AND OPEN SPACE ELEMENT

- **Goal 2.1.1. Goal air quality.** Achieve and maintain air quality that supports health and enjoyment for those who live or work in the City and for visitors.
- **Policy 2.2.2. Health standards.** Air quality should meet State and Federal standards, whichever are more protective, for human health.
- **Policy 2.2.3. No decline.** Air quality should not decline from levels experienced during the early 1990s, when the community's growth capacity was last re-examined.
- **Policy 2.2.4. Promote walking, biking and use of public transit use to reduce dependency on motor vehicles.** City actions shall seek to reduce dependency on gasoline- or diesel powered motor vehicles and to encourage walking, biking and public transit use.

4.1.3 Impact Analysis

a. Methodology

Criteria pollutant emissions for project construction and operation were estimated using CalEEMod version 2016.3.2. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model was developed for the California Air Pollution Control

[2] In June 2020 the San Luis Obispo City Council adopted local VMT thresholds to be applied in analyzing transportation impacts of land use and transportation projects under CEQA.

Officers Association (CAPCOA) in collaboration with the California air districts. CalEEMod allows for the use of default data (e.g., emission factors, trip lengths, meteorology, source inventory) provided by the various California air districts to account for local requirements and conditions, and/or user-defined inputs. The model calculates criteria pollutant emissions of CO, PM_{10}, $PM_{2.5}$, SO_2, and the ozone precursors, ROG and NO_X. The calculation methodology and input data used in CalEEMod can be found in the CalEEMod User's Guide Appendices A, D, and E (CAPCOA 2017).

The input data and subsequent construction and operation emission estimates for the proposed project are discussed below. CalEEMod output files for the project are included in Appendix C to this report. The land use categories applied to the project CalEEMod files included General Office Building for the proposed commercial uses and proposed recreation center/community building; Condo/Townhouse High Rise for the 3-story residential building; and Parking Lot for the paved parking areas. General Office Building is the closest land use available in CalEEMod to the proposed commercial and recreation center/community building uses, as multiple tenants and uses would be associated with the proposed commercial portion of the mixed use buildings, and the variety of uses in the recreation center/community building is most similar to this type of use.

Construction Emissions

Project construction would primarily generate temporary criteria pollutant emissions from construction equipment operation on-site, construction worker vehicle trips to and from the site, and transport of materials. Construction input data for CalEEMod include, but are not limited to: (1) the anticipated start and finish dates of construction activity; (2) inventories of construction equipment to be used; (3) areas to be excavated and graded; and (4) volumes of materials to be exported from and imported to the project site. The analysis assessed maximum daily emissions from individual construction activities, including site preparation, grading, building construction, paving, and architectural coating. Construction would require heavy equipment during site preparation, grading, building construction, and paving. Construction equipment estimates are based on surveys of construction projects in California conducted by members of CAPCOA.

Approximately 40,000 cubic yards of soil would be cut and filled during project construction, with no planned net import or export to or from the project site. Construction was modeled over two phases, which was represented in CalEEMod by using the construction dates for each phase provided by the applicant. Building construction was modeled as one phase, as the building construction for Phase 2 is proposed to begin immediately after building construction for Phase 1 ends. As described in Section 2, *Project Description*, 124 residential units and the recreation center would be developed in Phase 1, and the remaining 156 residential units and 12,500-square feet of commercial space would be developed in Phase 2. The square footage of architectural coating was modified in CalEEMod to reflect the applicant's proposed phasing and the square footage of proposed uses planned to be built during in each construction phase. Additionally, SLOAPCD Rule 433 limits volatile organic compounds (VOCs) from architectural coating to 150 grams per liter for nonflat coatings. This was applied to the residential and non-residential interior and exterior coatings in CalEEMod.

The quantity, duration, and the intensity of construction activity influences the amount of construction emissions and their related pollutant concentrations that occur at any one time. The emission forecasts modeled for this report reflect conservative assumptions where a relatively large amount of construction is occurring contemporaneously in a relatively intensive manner. If construction is delayed or occurs over a longer period, emissions would typically be reduced because of (1) a more modern and cleaner-burning construction equipment fleet mix than assumed

in the CalEEMod, and/or (2) a less intensive buildout schedule (i.e., fewer daily emissions occurring over a longer time interval).

The construction of transportation improvements identified in Section 2, *Project Description*, were modeled separately due to the unknown construction timeline of these improvements. A total size of approximately 3.1 acres was assumed for the proposed roundabout and frontage improvements. Default construction phase timing and construction equipment were used for site preparation, grading, and paving phases.

Operational Emissions

In CalEEMod, operational sources of criteria pollutant emissions include area, energy, and mobile sources. Emissions from energy use include natural gas use; however, the project proposes not to use natural gas as a source of energy, and would install solar panels on all residential buildings, consistent with the requirements of Section 150.1(b)14 of the 2019 Building Energy Efficiency Standards, which would comply with the City's Clean Energy Choice Program. Because CalEEMod has not yet been updated to match the most recent electricity consumption data consistent with Section 150.1(b)14 standard calculations, the residential Title 24 electricity and residential lighting electricity consumption values were set to zero in CalEEMod.[3] Consistent with Section 2.5.6, Green Building Features, this modification to CalEEMod defaults was only applied to the residential component of the project; non-residential electricity was reduced by 30 percent to account for the requirements of 2019 Title 24 standards (California Energy Commission 2019). Emissions associated with area sources, including consumer products, landscape maintenance, and architectural coating were calculated in CalEEMod and utilize standard emission rates from CARB, US EPA, and emission factor values provided by the local air district (CAPCOA 2017).

Mobile source emissions are generated by the increase in vehicle trips to and from the project site associated with operation of onsite development. The project would result in a net decrease in regional and residential VMT, as described in the CEQA Transportation Impact Analysis Memorandum (Appendix B). However, project-specific increase in VMT would be 8,512 daily miles (2,975,480 annual VMT). To provide a conservative evaluation of the project's potential mobile source emissions, this analysis is based on the project-specific increase in VMT; therefore, the operational trip generation rates were adjusted to match the rates provided in Appendix B for weekday trips, and the trip lengths were adjusted accordingly to approximate the actual project VMT in CalEEMod.

Per the CalEEMod User Guide, the inputs for road dust were modified as follows: 9.3 percent for material silt content, 0.1 percent for material moisture content, and 32.4 mile per hour for mean vehicle speed. This modification is recommended for projects in the San Luis Obispo region (CAPCOA 2017).

b. Thresholds of Significance

The following thresholds are based on Appendix G of the *State CEQA Guidelines*. Impacts would be significant if the project would:

a. Conflict with or obstruct implementation of the applicable air quality plan;

[3] This provides higher accuracy when estimating electricity consumption, as the residential Title 24 electricity and lighting electricity requirements would be equivalent to the solar-generated electricity from the project.

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard;
c. Expose sensitive receptors to substantial pollutant concentrations; or
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Potential impacts related to objectional odors (checklist question d) are discussed in Section 4.11, *Impacts Addressed in the Initial Study*. These impacts were found to be less than significant and are not discussed further in this section.

As stated in the *State CEQA Guidelines*, the significance criteria established by the regional air quality management or air quality pollution control district may be relied upon to make determinations. SLOAPCD's recommended significance criteria are described in its *CEQA Air Quality Handbook* and are included below.

Consistency with Applicable Air Quality Plans

As recommended by SLOAPCD, the most appropriate standard for assessing the significance of potential air quality impacts is the preparation of a consistency analysis where the project is evaluated against the land use goals, policies, and population projections contained in the current Clean Air Plan. The rationale for requiring the preparation of a consistency analysis is to ensure the attainment projections developed by SLOAPCD are met and maintained. SLOAPCD's CEQA Air Quality Handbook recommends evaluation if the project is consistent with the land use and transportation control measures and strategies outlined in the Clean Air Plan.

Construction and Operational Emissions Thresholds

The SLOAPCD (2012, 2017a) has adopted the *CEQA Air Quality Handbook* for quantifying and determining the significance of air quality emissions. Thresholds of significance contained in the *CEQA Air Quality Handbook* include:

- SLOAPCD considers construction emissions to be significant if the project would generate more than 137 pounds of ROG and NO_X (combined) daily, or 2.5 tons of ROG and NOx (combined) quarterly (Tier 1).
- SLOAPCD considers construction emissions to be significant if the project would generate more than 7 pounds of diesel particulate matter daily, or 0.13 tons of diesel particulate matter quarterly (Tier 1).
- SLOAPCD considers construction emissions to be significant if the project would generate more than 2.5 tons of PM_{10} quarterly.
- SLOAPCD has not established quantitative thresholds for CO for construction.
- SLOAPCD considers operational air quality impacts to be significant if the project would generate more than 25 pounds per day of ROG and NO_X (combined), 1.25 pounds per day of diesel particulate matter (DPM), 25 pounds per day of PM_{10}, or 550 pounds per day of CO.
- SLOAPCD considers operational air quality impacts to be significant if the project would generate more than 25 tons per year of ROG and NO_X (combined), or 25 tons per year of PM_{10}.

c. Impact Analysis

Threshold a:	Would the project conflict with or obstruct implementation of the applicable air quality plan?

Impact AQ-1 THE PROPOSED PROJECT WOULD NOT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE SLOAPCD CLEAN AIR PLAN. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

Consistency with the Clean Air Plan means that stationary and vehicle emissions associated with the project are accounted for in the Clean Air Plan's growth assumptions. According to the SLOAPCD guidelines, a project may result in significant air quality impacts if it is inconsistent with the assumptions in the SLOAPCD Clean Air Plan. Consistency with the SLOAPCD Clean Air Plan is evaluated based on three criteria: whether the project would be consistent with applicable population projections, whether the project would result in an increase in vehicle trips and miles traveled at a higher rate than the rate of population growth, and whether the project includes Land Use and Transportation Control Measures (TCMs) and Land Use Strategies from the Clean Air Plan. The project's consistency with each of these criteria is discussed below.

Consistency with Population Projections

The project would include 280 multi-family units, a 2,250-square foot recreation center, and 12,500 square feet of commercial uses. This development would increase the City's population by approximately 622 people (refer to Section 4.11.12, *Population and Housing*, for a more detailed discussion of the potential population increase from the project). The Clean Air Plan's population estimate for the City is 47,214 in 2020 and 49,759 in 2030; and the population estimate for the County is 286,657 in 2020 and 305,692 in 2030, based on a 0.5 percent assumed annual growth rate (SLOAPCD 2017b). Therefore, the City's population is expected to increase by 2,545 people and the County's population is expected to increase by 19,035 people between 2020 and 2030. The project-generated increase of approximately 622 persons would be less than the projected population increases for the City and County under the Clean Air Plan.

Rate of Increase in Vehicle Trips and Miles Traveled Consistency with the Rate of Population Growth

Residential VMT, which is the dominant source of VMT from this mostly residential project, would produce 7.7 residential VMT per capita, which is below the City's residential VMT impact threshold of 14.25 VMT per capita. In addition, as described in Section 4.11.15, *Transportation*, the project would result in a net reduction in regional vehicle miles traveled (VMT) and regional residential VMT. Therefore, the rate of change in vehicle trips and miles traveled would not exceed the Clean Air Plan projections for the project site.

Inclusion of Land Use and Transportation Control Measures and Land Use Strategies

The transportation goal of the Clean Air Plan is to reduce the growth of vehicle trips and VMT to the rate of population growth within the County. As described above, the project would result in a net decrease in regional VMT and regional residential VMT. TCMs are controls that help reduce emissions resulting from motor vehicles by reducing vehicle use and facilitating the use of alternative transportation options. The project's consistency with the applicable Land Use Strategies and nine TCMs in the Clean Air Plan is provided in Table 4.1-3.

Table 4.1-3 Clean Air Plan Land Use and Transportation Control Measure Consistency Analysis

Clean Air Plan Measure or Strategy	Project Consistency
L-1 Planning Compact Communities **L-2 Providing for Mixed Land Use**	**Consistent.** The project involves a mix of compact, residential, commercial, and recreational land uses. Development under the project would be connected to and provide access to transit and non-vehicular transportation, including the regional bicycle network. The compact and mixed-use nature of the project would help to reduce travel distances between home, work, school, and shopping by providing services and opportunities near one another and by locating development proximate to transit and non-vehicular transportation.
L-3 Balancing Jobs and Housing	**Consistent.** The project's proposed construction of 280 residential units would provide additional housing for the existing and growing labor force. Additionally, the project would implement a preference program for housing units for workers within a 1.5-mile radius of the project site, to encourage commuting without the use of vehicles. Further, the project would also add a small number of jobs within the City through the development of 12,500 square feet of commercial uses and through the provision of construction jobs during development.
L-4 Circulation Management **T-3 Bicycling and Bikeway Enhancements** **T-6 Traffic Flow Improvements**	**Consistent.** These measures relate to the design of proposed circulation systems and planning of the transportation system to support alternative travel modes and reduce single occupant motor vehicle trips. The project would include several transportation improvements, including the addition of a roundabout at the southwestern project boundary, and connecting pedestrian and bicycle paths to properties to the east.
L-5 Communication, Coordination and Monitoring	**Consistent.** This measure involves the coordination of transportation improvements and overall changes to the regional transportation system by local governments, the SLOAPCD, and SLOCOG. The transportation infrastructure improvements associated with the project have been previously proposed by the City and analyzed in the City's General Plan EIR.
T-1C Voluntary Commute Options Program **T-8 Teleworking, Teleconferencing and Telelearning**	**Consistent.** These measures are applicable to the commercial uses of the project site. As a land use and development project, the project does not propose, require, or promote commute options, telecommute, telework, or telelearning opportunities for future commercial uses as a means of reducing VMT. Providing these opportunities would be at the option of future commercial businesses. However, the project does provide an on-site car share program, providing at least one vehicle per 50 residential units, which would encourage car sharing.
T-2A Local Transit Systems Improvements **T-2B Regional Public Transit Improvements**	**Consistent.** The project site is approximately 0.4 mile from the nearest bus stop, a walkable distance, and would also be accessible via existing and proposed bicycle routes. Although the project would not modify existing transit systems, the proximity of the site to existing transit stops would encourage use of public transit.
T-4 Park-and-Ride Lots	**Consistent.** While the project would not provide a park-and-ride lot called for by measure T-4, the project would provide an on-site car share program, providing at least one vehicle per 50 residential units, which would encourage shared vehicle ownership.

Land use strategies in the Clean Air Plan include planning compact communities, providing for mixed land use, balancing jobs and housing, circulation management, and communication, coordination and monitoring. As described above, the project would be substantially consistent with these land use strategies. Impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Threshold b:	Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Impact AQ-2 EMISSIONS ASSOCIATED WITH PROJECT CONSTRUCTION AND OPERATION WOULD NOT EXCEED APPLICABLE SLOAPCD THRESHOLDS FOR LOCAL OR REGIONAL EMISSIONS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

Construction

Table 4.1-4 summarizes the estimated maximum daily criteria pollutant emissions associated with project construction. To provide a conservative analysis, the maximum transportation improvement construction air emissions were combined with the maximum project development construction air emissions. The project's criteria pollutant emissions would not exceed SLOAPCD's daily and quarterly construction emission thresholds for ROG and NO_x, PM_{10}, or diesel particulate matter (exhaust $PM_{2.5}$). Therefore, construction air quality impacts would be less than significant.

Operation

Table 4.1-5 summarizes the project's operational criteria pollutant emissions by emission source (area, energy, and mobile). Criteria pollutant emissions generated by operation of the proposed project would not exceed SLOAPCD daily or annual thresholds for ROG and NO_X, CO, PM_{10}, or diesel particulate matter (exhaust $PM_{2.5}$). Therefore, the project's operational air quality impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Table 4.1-4 Estimated Maximum Construction Emissions

	ROG	NO_X	ROG + NO_x	CO	SO_2	PM_{10}	DPM (exhaust $PM_{2.5}$)
Project Maximum Construction Emissions (lbs/day)	20	62	82	71	<1	24	2
Roundabout and Frontage Improvement Maximum Construction Emissions (lbs/day)	3	33	36	20	<1	20	1
Total Maximum Construction Emissions (lbs/day)	**23**	**95**	**118**	**91**	**<1**	**44**	**3**
SLOAPCD Daily Thresholds (lbs/day)	**n/a**	**n/a**	**137**	**n/a**	**n/a**	**n/a**	**7**
Exceed Daily Threshold?	-	-	No	-	-	-	No

	ROG	NO_X	ROG + NO_x	CO	SO_2	PM_{10}	DPM (exhaust $PM_{2.5}$)
Project Maximum Construction Emissions (tons/quarter)[1]	<1	1	1.6	1	<1	<1	<0.1
Roundabout and Frontage Improvement Maximum Construction Emissions (tons/quarter)[1]	<0.1	<0.1	<0.1	<1	<1	<1	<0.1
Total Maximum Construction Emissions (tons/quarter)[1]	**<1**	**<1**	**1.6**	**1**	**<1**	**<1**	**<0.1**
SLOAPCD Quarterly Thresholds (Tier 1) (tons/quarter)	**n/a**	**n/a**	**2.5**	**n/a**	**n/a**	**2.5**	**0.13**
Exceed Quarterly Threshold?	-	-	No	-	-	No	No

[1] Quarterly emissions calculated based on annual emissions divided by four (i.e., one quarter of a year)

ROG = reactive organic gases, NO_X = nitrogen oxides, CO = carbon monoxide, SO_2 = sulfur dioxide, PM_{10} = particulate matter 10 microns in diameter or less, DPM = diesel particulate matter; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter; lbs/day = pounds per day

See Appendix C for model output results

Table 4.1-5 Project Operational Emissions

	ROG	NO_X	ROG + NO_x	CO	SO_2	PM_{10}	DPM (Exhaust $PM_{2.5}$
Area (lbs/day)	8	<1	8	23	<1	<1	<1
Energy (lbs/day)	<1	<1	<1	<1	<1	<1	<1
Mobile (lbs/day)	2	7	9	21	<1	8	<1
Total Project Emissions (lbs/day)	**10**	**8**	**18**	**44**	**<1**	**8**	**<1**
SLOAPCD Daily Thresholds	n/a	n/a	25	550	n/a	25	1.25
Exceed Daily Threshold?	**-**	**-**	**No**	**No**	**-**	**-**	**No**
Area (tons/year)	1	<1	1	4	<1	<1	<1
Energy (tons/year)	<1	<1	<1	<1	<1	<1	<1
Mobile (tons/year)	<1	1	1	3	<1	1	<1
Total Project Emissions (tons/year)	**2**	**1**	**3**	**7**	**<1**	**1**	**<1**
SLOAPCD Annual Thresholds	n/a	n/a	25	n/a	n/a	25	n/a
Exceed Annual Threshold?	**-**	**-**	**No**	**-**	**-**	**No**	**-**

ROG = reactive organic gases, NO_X = nitrogen oxides, CO = carbon monoxide, SO_2 = sulfur dioxide, PM_{10} = particulate matter 10 microns in diameter or less, DPM = diesel particulate matter; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter; lbs/day = pounds per day

See Appendix C for model output results

Threshold c:	Would the project expose sensitive receptors to substantial pollutant concentrations?

Impact AQ-3 THE PROJECT WOULD NOT EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS FROM CO HOTSPOTS OR DIESEL PARTICULATE MATTER. HOWEVER, PROJECT CONSTRUCTION COULD EXPOSE SENSITIVE RECEPTORS TO SAN JOAQUIN VALLEY FEVER AND NATURALLY-OCCURRING ASBESTOS. THESE IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

CO Hot Spots

A CO hotspot is a localized concentration of CO that exceeds a CO ambient air quality standard. Localized CO hotspots can occur at intersections with heavy peak hour traffic. Specifically, hotspots can be created at intersections where traffic levels are sufficiently high such that the local CO concentration exceeds the federal one-hour standard of 35.0 parts per million (ppm) or the federal and state eight-hour standard of 9.0 ppm.

The entire Basin is in conformance with state and federal CO standards, and most air quality monitoring stations no longer report CO levels. No stations within the vicinity of the project site have monitored CO in the last 20 years, and the County is not required to monitor for CO (SLOAPCD 2017c). As shown in Table 4.1-5, project operations from area, energy, and mobile emissions sources combined would result in a net increase in maximum daily CO emissions of approximately 44 pounds. SLOAPCD's daily and annual CO thresholds are designed to be protective of public health. Based on the low background level of CO in the project area, ever-improving vehicle emissions standards for new cars in accordance with state and federal regulations, and the project's low level of operational CO emissions, the project would not create new CO hotspots or contribute substantially to existing CO hotspots. Therefore, the project would not expose sensitive receptors to substantial CO concentrations, and localized air quality impacts related to CO hot spots would be less than significant.

San Joaquin Valley Fever

Project construction activities, including grading and construction vehicle traffic, could generate substantial localized quantities of dust and expose sensitive receptors (i.e., nearby residents, construction workers, etc.) to potential health hazards associated with the *Coccidioides* fungus, particularly during periods of high wind. Extended periods of high heat or unusually windy conditions could increase fugitive dust emissions and the associated potential for exposure to *Coccidioides immitis* spores. The project applicant and all construction contractors operating on the site would be required to implement all of California Title 8 safety and health regulations necessary to protect employees from Valley Fever, which is caused by the *Coccidioides* fungus. Nevertheless, sensitive receptors could be exposed to potential health hazards associated with the *Coccidioides* fungus during project construction, and this impact would be potentially significant, requiring preparation of a Construction Valley Fever Plan to ensure the implementation of risk-minimizing Valley Fever suppression measures during construction (refer to Mitigation Measure AQ-3[a]).

Toxic Air Contaminants

Toxic air contaminants (TACs) are a diverse group of air pollutants that may cause or contribute to an increase in deaths or serious illness or that may pose a present or potential hazard to human health. Emissions of TACs may occur from construction or operation of a project.

Diesel Particulate Matter

Construction-related activities would result in short-term, project-generated emissions of DPM exhaust emissions from off-road, heavy-duty diesel equipment for site preparation grading, building construction, and other construction activities. DPM was identified as a TAC by CARB in 1998. The potential cancer risk from the inhalation of DPM outweighs the potential non-cancer health impacts (CARB 2021a).

Operational TACs include both organic and inorganic chemical substances that may be emitted from a variety of common sources, including gasoline stations, motor vehicles, dry cleaners, industrial operations, painting operations, and research and teaching facilities. Operation of the project, which includes residential and commercial uses, would not generate substantial TAC emissions because they would not involve use of substances known to emit TACs.

As shown in Table 4.1-4 and Table 4.1-5, neither project construction nor operational emissions of the project would exceed SLOAPCD's adopted DPM thresholds. Therefore, potential impacts associated with emissions of DPM would be less than significant.

Asbestos

Although the project would not result in the demolition of structures that may contain asbestos materials, the project would result in excavation and grading of soils within a mapped NOA buffer area, which may release NOA into the air. Since the project site lies within an area with the potential to contain NOA per the SLOAPCD NOA map, compliance with the NOA ATCM would be required. The NOA ATCM requires submittal of a geologic evaluation determining whether serpentine rock is present on a project site, and if so, to what extent (less or more than 1 acre). Depending on the results of the geologic evaluation, the project would be required to file an exemption request form (if no serpentine is present), a Mini Dust Control Measure Plan (if less than 1 acre of serpentine is present), or an Asbestos Dust Control Measure Plan (if more than 1 acre of serpentine is present). Presuming the project would disturb more than 1 acre of serpentine, the project would be required to submit a geologic evaluation and Asbestos Dust Control Measure Plan to SLOAPCD for approval. The Soil Engineering Report prepared by GeoSolutions, Inc. (Appendix J) indicates that serpentine rock, which may contain NOA, is present at a depth of greater than 39 feet beneath topsoil in the central portion of the project site at boring B-7. Because serpentine rock containing NOA may be present on the project site, impacts would be potentially significant and compliance with the NOA ATCM outlined in Mitigation Measure AQ-3(b) would be required.

Mitigation Measures

AQ-3(a) Valley Fever Suppression Measures

The project developer and contractor(s) shall prepare a Construction Valley Fever Plan to ensure the implementation of the following measures during construction activities to reduce impacts related to Valley Fever.

a. If peak daily wind speeds exceed 15 mph or peak daily temperatures exceed 95 degrees Fahrenheit for three consecutive days, additional dust suppression measures (such as additional water or the application of additional soil stabilizer) shall be implemented prior to and immediately following ground disturbing activities. The additional dust suppression shall continue until winds are 10 mph or lower and outdoor air temperatures are below a peak daily temperature of 90 degrees for at least two consecutive days.

b. Heavy construction equipment traveling on un-stabilized roads within the project site shall be preceded by a water truck to dampen roadways and reduce dust from transportation along such roads.
c. The project developer(s) shall notify the San Luis Obispo County Public Health Department and the City not more than 60 nor less than 30 days before construction activities commence to allow the San Luis Obispo County Public Health Department opportunity to provide educational outreach to community members and medical providers, as well as enhanced disease surveillance in the area both during and after construction activities involving grading.
d. Prior to any project grading activity, the project construction contractor(s) shall prepare and implement a worker training program that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction, including the fact that certain ethnic groups and immune-compromised persons are at greater risk of becoming ill with Valley Fever. The objective of the training shall be to ensure the workers are aware of the danger associated with Valley Fever. The worker training program shall be included in the standard in-person training for project workers and shall identify safety measures to be implemented by construction contractors during construction. Prior to initiating any grading, the project developer shall provide the City and the San Luis Obispo County Public Health Department with copies of all educational training material for review and approval. No later than 30 days after any new employee or employees begin work, the project developer shall submit evidence to the City that each employee has acknowledged receipt of the training (e.g., sign-in sheets with a statement verifying receipt and understanding of the training).
e. The developer shall work with a medical professional, in consultation with the San Luis Obispo County Public Health Department, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site that includes the following information on Valley Fever:
   - Potential sources/causes
   - Common symptoms
   - Options or remedies available should someone be experiencing these symptoms
   - The location of available testing for infection

   Prior to construction permit issuance, this handout shall have been created by the developer and reviewed by the City. No less than 30 days prior to any surface disturbance (e.g., grading, filling, trenching) work commencing, this handout shall be mailed to all existing residences within three miles of the project site.

Plan Requirements and Timing. The project developer shall submit the Construction Valley Fever Plan to the City and SLOAPCD for review prior to the issuance of grading permits for the first project phase. The developer shall submit proof that San Luis Obispo County Public Health Department has been notified prior to commencement of construction activities; a worker training program has been conducted; and the educational handout has been mailed to existing residences within three miles of the project site.

Monitoring. The City shall verify compliance with the Construction Valley Fever Plan during the grading phases of project construction. The City shall also verify notification of the San Luis Obispo County Public Health Department, implementation of the worker training program, and mailing of the educational handout via developer -submitted materials.

AQ-3(b) Naturally Occurring Asbestos Air Toxics Control Measure Compliance

The project developer shall prepare a geologic evaluation to determine and describe the extent of serpentine rock on the project site. Depending on the conclusions of the geologic evaluation, the developer shall prepare and file:

- An exemption request form (if no serpentine is present);
- A Mini Dust Control Measure Plan (if less than 1 acre of serpentine is present); or
- An Asbestos Dust Control Measure Plan (if more than 1 acre of serpentine is present).

If the project requires either a Mini Dust Control Measure Plan or an Asbestos Dust Control Measure Plan, the developer would be required to submit the geologic evaluation and Mini Dust Control Measure Plan or an Asbestos Dust Control Measure Plan to SLOAPCD for approval prior to the issuance of grading permits for the first project phase.

Plan Requirements and Timing. The project developer shall submit the geologic evaluation and Mini Dust Control Measure Plan or an Asbestos Dust Control Measure Plan to the City and SLOAPCD for review prior to the issuance of grading permits for the first project phase.

Monitoring. The City shall verify compliance with the Mini Dust Control Measure Plan or an Asbestos Dust Control Measure Plan during the grading phases of project construction.

Significance After Mitigation

Implementation of Mitigation Measure AQ-3(a) would require implementation of protective measures to reduce health hazards associated with the *Coccidioides* fungus and Mitigation Measure AQ-3(b) would require a geologic evaluation to reduce health hazards associated with naturally occurring asbestos. As a result, implementation of Mitigation Measures AQ-3(a) and AQ-3(b) would reduce air quality impacts to sensitive receptors to a less than significant level.

d. Cumulative Impacts

The cumulative context for air quality is regional. The Basin is designated as being in nonattainment for ozone NAAQS and CAAQS and nonattainment for PM_{10} CAAQS; therefore, there are existing significant cumulative air quality impacts related to these pollutants. The Basin is in attainment of all other federal and State standards.

The project in combination with any approved, pending, and proposed development within the City, would further contribute to the increase in development and associated generation of air quality-related emissions, including particulate matter and the ozone precursors ROG and NO_X. However, as discussed under Impact AQ-1, the proposed project would be within the population projections of the SLOAPCD Clean Air Plan. As discussed in Section 3.3, Cumulative Development, cumulative development in the City of San Luis Obispo would consist of approximately 4,039 residential units, which could result in an increase of up to 8,967 residents (using a rate of 2.22 persons per unit). The Clean Air Plan predicts an increase in the City's population of 2,545 people between 2020 and 2030. Therefore, projected cumulative growth in the City of San Luis Obispo has the potential to exceed the growth anticipated by the Clean Air Plan. This cumulative impact is potentially significant, as pending, approved, and reasonably foreseeable projects may not be consistent with the Clean Air Plan. However, because the proposed project would be substantially consistent with transportation control measures and land use strategies provided in the Clean Air Plan as discussed in Impact AQ-1, the project would not contribute considerably to a potential Clean Air Plan consistency impact.

As identified under Impact AQ-3, the project would not cause a significant project-level impact associated with CO hotspots or TACs and would require mitigation for potential valley fever impacts. These impacts tend to be localized to individual project sites and the immediate vicinity. The evaluation of these potential localized impacts accounts for background concentrations of localized emissions. As a result, the project-level evaluations of these pollutants consider the cumulative nature of these pollutants. Because the project would not result in or be exposed to concentrations of localized pollutants that would exceed applicable SLOAPCD thresholds, the project would not expose sensitive receptors to a cumulatively considerable impact associated with CO hotspots, TACs, or valley fever.

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4.2 Biological Resources

This section describes existing conditions and regulatory setting for biological resources in the project area and assesses potential impacts on biological resources that could result from implementation of the proposed project. The analysis of biological resources is based on a review of relevant literature and the results of reconnaissance-level and focused field surveys by qualified biologists. This analysis is based on the findings of the Biological Resources Assessment prepared by Kevin Merk and Associates (KMA) in November 2020 and the 2019-2020 Wet Season Vernal Pool Branchiopod Survey 90-Day Report prepared by Sage Institute in August 2020. These reports are included in Appendix D.

4.2.1 Environmental Setting

a. Vegetation Communities and Landcover Types

Six terrestrial vegetation communities or landcover types occur with the project site: ruderal/developed, eucalyptus, wetland, ornamental, annual grassland, and coastal scrub. Vegetation was classified and mapped during biological reconnaissance surveys conducted on February 21, 2020 to characterize the site (refer to Appendix D). Vegetation communities were also classified based on A Manual of California Vegetation, Second Edition (MCV2; Sawyer et al. 2009). Vegetation classification and mapping was field-verified by Rincon on September 22, 2020. A summary of vegetation/landcover types identified on the project site is shown in Table 4.2-1. Figure 4.2-1 shows the location of vegetation communities and land cover types that occur on the project site.

Table 4.2-1 Area of Vegetation Communities and Landcover Types

Vegetation Communities and Landcover Types	Approximate Area (Acres)	Approximate Percentage of Total Area
Ruderal/Developed	10.5	76.3%
Annual Grassland	2.1	15.3%
Eucalyptus	0.8	5.8%
Ornamental	0.2	1.5%
Wetland (=Vernal Marsh)	0.12	0.9%
Coastal Scrub	0.04	0.3%
Total Area within Project Site	13.8	100.0%

Note: Totals may not sum exactly due to rounding.

Source: KMA, November 2020. (see Appendix D for the full Biological Resources Assessment)

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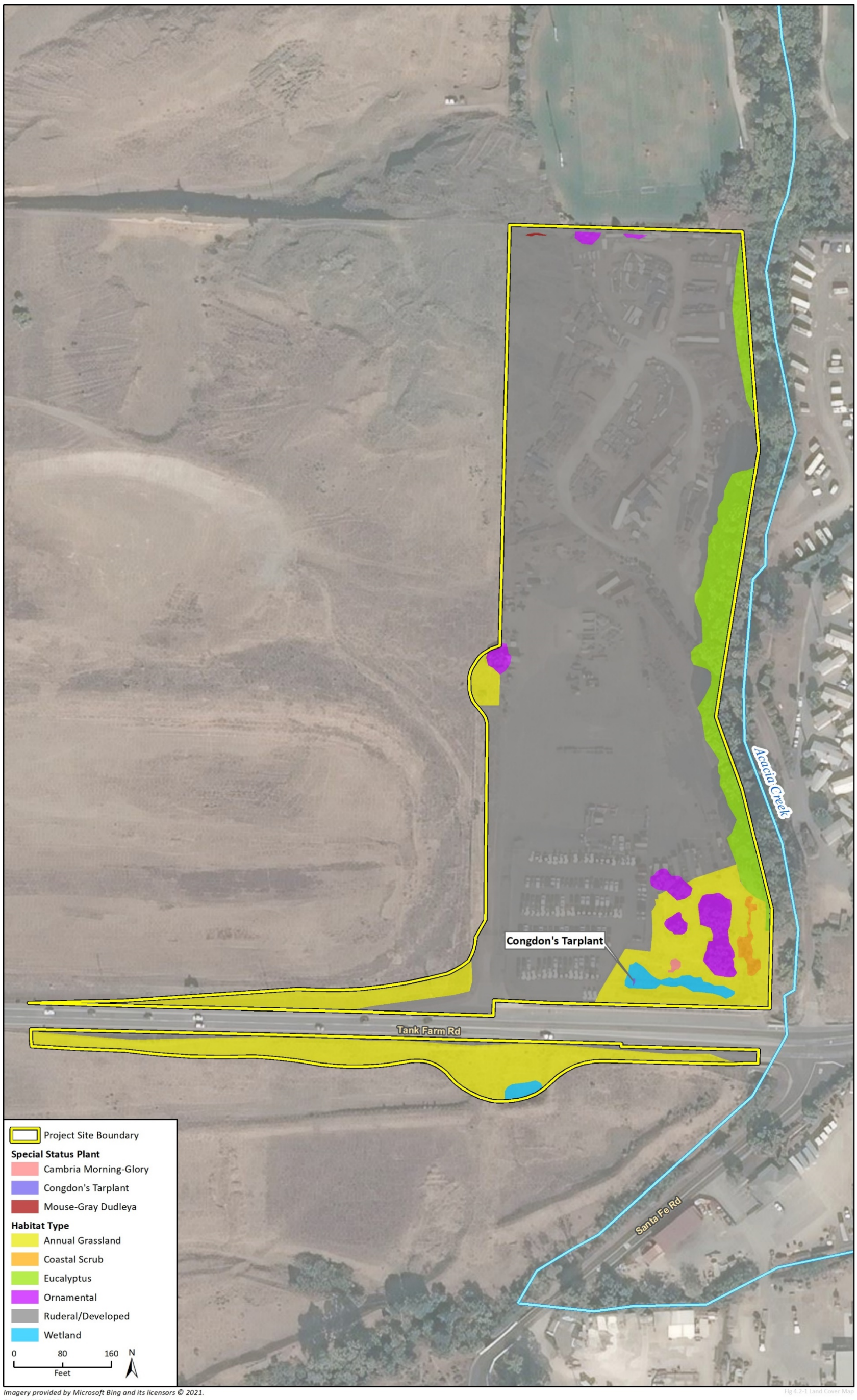
Figure 4.2-1 Habitat Types and Special Status Plants



Imagery provided by Microsoft Bing and its licensors © 2021.
Source: KMA 2020

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Ruderal/Developed

Ruderal areas are those that are comprised of plant species that occur or are adapted to disturbed lands or areas that are sparsely vegetated due to regular disturbance. This landcover type also includes areas that are currently developed such as paved areas and gravel lots. Ruderal/developed landcover type covers most of the project site, including a graveled lot used for parking in the southern portion of the project site, numerous large piles of debris throughout, unpaved access roads, the shoulders and pullout along Tank Farm Road, and bare serpentine rock outcrop, historically used as a quarry in the northwest corner. Vegetation within this landcover type consists of non-native annual grasses such as elephant grass (*Pennisetum purpureum*) and bromes (*Bromus* spp.) as well as ruderal herbs such as spiny sow thistle (*Sonchus asper*) and black mustard (*Brassica nigra*) in a somewhat patchy distribution between debris piles and the margins of developed areas. Ruderal vegetation is not classified in the MCV2 classification system (Sawyer et al. 2009).

Eucalyptus

A mature stand of blue gum eucalyptus (*Eucalyptus globulus*) is present along the eastern boundary of the project site and just above the western bank of Acacia Creek. As is typical of mature eucalyptus stands, the understory consists primarily of eucalyptus leaf litter with scattered shrubs such as coyote brush (*Baccharis pilularis*) and herbs such as Bermuda buttercup (*Oxalis pes-caprae*). Blue gum eucalyptus is a non-native species and groves of such are not generally considered natural communities. This community is consistent with *Eucalyptus* spp. Woodland Semi-natural Alliance in MCV2 (Sawyer et al. 2009).

Ornamental

Ornamental landcover types generally consist of planted and/or maintained ornamental plant species. Within the project site, ornamental landcover consists of landscaping planted along the northern property boundary as part of the Damon-Garcia Sports Complex and ornamental plantings including species such as Peruvian pepper tree (*Schinus molle*) and mission cactus (*Opuntia ficus-indica*) in the southeast corner. Ornamental vegetation is not classified in the MCV2 classification system (Sawyer et al. 2009).

Annual Grassland

Annual grassland is present in the southeastern portion and immediately west of the subject property/applicant-owned parcel and on the south side of Tank Farm Road. Grassland habitat on site is dominated by non-native annual grasses such as slender wild oat (*Avena barbata*), Italian rye grass (*Festuca perennis*), and scattered ruder herbs such as English plantain (*Plantago lanceolata*), and California burclover (*Medicago polymorpha*). This community most closely corresponds to the *Avena* spp. – *Bromus* spp. Herbaceous Semi-Natural Alliance in MCV2 (Sawyer et al. 2009).

Coastal Scrub

One small patch of coastal scrub is present near the southeastern corner of the project site and consists of a few small clusters of coyote brush shrubs. This community is consistent with the *Baccharis pilularis* Shrubland Alliance in MCV2 (Sawyer et al. 2009).

Wetland (Vernal Marsh)

A basin is present in the southern portion of the project site. The basin supports a patch of wetland vegetation including common spikerush (*Eleocharis macrostachya*), curly dock (*Rumex crispus*), cocklebur (*Xanthium strumarium*), and wild teasel (*Dipsacus fullonum*). The basin appears to be a constructed feature with a history of grading and seasonal mowing. During surveys conducted by KMA, Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*; California Rare Plant Rank [CRPR] 1B.1) was observed in a small patch within the wetland community. Additionally, vernal marsh habitat is present on the portion of the project site south side of Tank Farm Road. This vegetation type is consistent with the *Eleocharis macrostachya* Herbaceous Alliance in MCV2 (Sawyer et al. 2009).

b. Drainages and Wetlands

No drainages or waterways are present within the project site boundary. However, an intermittent drainage known as Acacia Creek runs from the north to the south just outside the eastern boundary of the project site. Acacia Creek joins Orcutt Creek from the east to form the East Fork of San Luis Obispo Creek on the Tank Farm property to the south. The Acacia Creek channel and associated riparian habitat are located on the property immediately to the east of the project site (Figure 4.2-1).

A constructed stormwater basin is located on the southern portion of the project site. The basin is separated from Acacia Creek by an earthen berm; however, a small pipe leads out of the basin in the southeast corner for overflow drainage into Acacia Creek. The basin receives surface runoff from the site and Tank Farm Road through a storm drain inlet and outfall pipe at the edge of the feature. Wetland vegetation in this basin was identified as potentially under the jurisdiction of the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) (Appendix D). No formal jurisdictional delineation has been conducted to ascertain whether the wetland would be subject to state or federal regulations. The wetland habitat would also be considered to be of special status by the City of San Luis Obispo pursuant to its General Plan policies, since it is connected to Acacia Creek and its associated riparian habitat, supports a rare plant, and this area is considered to be an important open space resource within the Airport Area Specific Plan (AASP; City of San Luis Obispo 2014).

c. Special Status Species

For the purpose of this review, special status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the United States Fish and Wildlife Services (USFWS) and National Marine Fisheries Service (NMFS) under the federal Endangered Species Act (FESA); those listed or proposed for listing as rare, threatened, or endangered by the CDFW under the California Endangered Species Act (CESA); and animals designated as "Species of Special Concern (SSC)," or "Fully Protected," or "Watch List" by the CDFW. Those plants ranked as CRPR 1, 2, 3, and 4 are also considered special status species in this EIR, per the following code definitions:

- **List 1A** = Plants presumed extinct in California;
- **List 1B.1** = Rare or endangered in California and elsewhere; seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat);
- **List 1B.2** = Rare or endangered in California and elsewhere; fairly endangered in California (20-80% occurrences threatened);

- **List 1B.3** = Rare or endangered in California and elsewhere, not very endangered in California (<20% of occurrences threatened or no current threats known); and
- **List 2** = Rare, threatened or endangered in California, but more common elsewhere.
- **List 3** = Plants needing more information (most are species that are taxonomically unresolved; some species on this list meet the definitions of rarity under CRPR and CESA);
- **List 4.2** = Plants of limited distribution (watch list), fairly endangered in California (20-80% occurrences threatened); and
- **List 4.3** = Plants of limited distribution (watch list), not very endangered in California (<20% occurrences threatened or no current threats known).

Special Status Plants Species

Based on database and literature review, six special status plant species are known to occur or have the potential to occur within the vicinity of the project site: adobe sanicle (*Sanicula maritima*), Cambria morning-glory (*Calystegia subacaulis* ssp. *episcopalis*), Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), Hoover's button celery (*Eryngium aristulatum* var. *hooveri*), mouse gray dudleya (*Dudleya abramsii* ssp. *murina*), and San Luis Obispo owl-clover (*Castilleja densiflora* var. *obispoensis*) (Appendix D). The potential for many special status plant species to occur in the project site was eliminated based on known restrictions in range and/or known extirpation. KMA conducted focused botanical surveys in spring and summer of 2020 that were seasonally timed to correspond with the blooming periods for the sensitive plant species that have potential to occur on site. Three special status plant species were detected during the seasonally timed surveys:

- Cambria morning-glory— CRPR 4.2
- Congdon's tarplant — CRPR 1B.1
- Mouse-gray dudleya — CRPR 1B.3

Special status plant populations detected on the project site were limited and highly localized. Cambria morning-glory was detected within the annual grassland in the southern part of the project site in a small patch of approximately 15 individuals. Eleven individuals of Congdon's tarplant were detected in the wetland habitat in the southern portion of the project site. Mouse gray dudleya was detected in a small group of five individuals, growing in a thin band on a rock face of the former quarry site in the northwestern corner of the project site. Figure 4.2-1 shows a map depicting the locations of the special status plant species populations detected on the project site. No designated critical habitat for federally listed plant species occurs on the project site or within the local vicinity.

Special Status Animal Species

Based on the database and literature review (Appendix D), 40 special status animal species are known to or have the potential to occur within the vicinity of the project site (refer to Appendix D). A list of the 40 species known from the vicinity and a rationale of their potential to occur is provided in Appendix D.

Monarch butterfly (*Danaus plexippus*) individuals were observed flying over the project site during reconnaissance biological surveys; however, no host plants, overwintering or roosting clusters were observed. Based on the orientation and density of the eucalyptus grove within the project site, suitable overwintering habitat is not present.

USFWS protocol wet and dry season surveys for listed branchiopods were conducted on the applicant-owned parcel; California linderiella (*Linderiella occidentalis*) was identified within the wetland feature on site. California linderiella is on CDFW's Special Animal list, which functions as a "watchlist," but otherwise has no federal, state, or local special status designation and is relatively common within the San Luis Obispo area, and not generally considered sensitive locally as defined by the City's General Plan Conservation and Opens Space Element (COSE). As such, the species is not discussed further.

Potential habitat for 13 special status animal species occurs within the project site based on the presence of their general habitat requirements and each species' geographic range. The remainder of the species with the potential to occur in the vicinity of the project site were eliminated as having potential to occur within the project site based on a lack of their individual habitat requirements or because the project site is outside their known geographic range. No designated critical habitat for federally listed animal species occurs on the project site or within the local vicinity. The 13 special status animal species with potential to occur and their special status designation, based on the database and literature review include:

- Vernal pool fairy shrimp; Federally Threatened
- California red-legged frog (CRLF; *Rana draytonii*); Federally Threatened, State Species of Special Concern
- Western spadefoot (*Spea hamondii*); State Species of Special Concern
- Southwestern (=Western) pond turtle (*Actinemys pallida*); State Species of Special Concern
- American badger (*Taxidea taxus*); State Species of Special Concern
- Pallid bat (*Antrozous pallidus*); State Species of Special Concern
- Townsend's big-eared bat (*Corynorhinus townsendii*); State Species of Special Concern
- Burrowing owl (*Athene cunicularia*); State Species of Special Concern
- Loggerhead shrike (*Lanius ludovicianus*); State Species of Special Concern
- Tricolor blackbird (*Agelaius tricolor*)
- White-tailed kite (*Elanus leucurus*)
- Golden Eagle (*Aquila chrysaetos*)
- Bald Eagle (*Haliaeetus leucocephalus*)

In addition, a Notice of Preparation comment letter was provided by CDFW, and is included in Appendix A, which described potential impacts to special status species, including foothill yellow-legged frog (*Rana boylii*) and least Bell's vireo (LBVI; *Vireo belli pusillus*). The project site was assessed to determine if suitable habitat for foothill yellow-legged frog and LBVI is present. Foothill yellow-legged frog requires partly shaded, shallow streams and riffles with a rocky/cobbly substrate. No suitable aquatic habitat occurs on the project site. Aquatic habitat associated with Acacia Creek is somewhat degraded with eucalyptus debris and does not contain suitable aquatic habitat with the correct stream gradient and substrates for foothill yellow-legged frog. The nearest CNDDB record to the project site is from 4.1 miles north, at Poly Canyon near Cal Poly's campus (CDFW 2021). The occurrence has been surveyed numerous times and is now believed to be extirpated. No suitable nesting habitat for LBVI occurs on the project site. Marginal nesting habitat for LBVI is present in willow riparian habitat along the Acacia Creek outside the north portion of the project site. There are no records of nesting LBVI in the vicinity. Due to the disturbed condition of the project site and development in local region, nesting LBVI is not expected to occur and is not discussed further.

Federally and/or State Listed

VERNAL POOL FAIRY SHRIMP

The vernal pool fairy shrimp (VPFS) is a federally listed threatened invertebrate with an elongate body, large stalked compound eyes, swimming legs. VPFS is known to occur in neutral to slightly alkaline vernal pools within the Interior Coast Ranges. USFWS protocol wet and dry season surveys for vernal pool fairy shrimp (*Branchinecta lynchi*; VPFS) were conducted within the parcel currently owned by the applicant during the 2019-2020 rain season (Appendix D). The results of the surveys were negative, concluding that vernal pool fairy shrimp do not occur within the applicant-owned parcel. Based on the Final EIR for the Chevron Tank Farm Remediation and Development Project (Chevron Final EIR; State Clearinghouse No. 2009031001), known populations of VPFS are present within the portion of the project site south of Tank Farm Road.

CALIFORNIA RED-LEGGED FROG

The CRLF is a federally listed threatened species and a State species of special concern. Marginally suitable dispersal habitat is present for CRLF, particularly along Acacia Creek; however, the aquatic habitat within the creek and the on-site wetland are not suitable aquatic breeding habitat for CRLF due to insufficient depth and/or hydroperiod. Protocol surveys for the species have been conducted on the neighboring Tank Farm site, East Fork of San Luis Obispo Creek, Acacia and Orcutt creeks at Damon-Garcia Sports Fields, and the Filipponi Ecological Area, and this species has not been detected (Appendix D). In the unlikely event that CRLF occupy suitable aquatic habitats offsite, individuals may potentially disperse through the site but would only be expected to occur transiently.

Species of Special Concern

WESTERN SPADEFOOT

Western spadefoot toads are almost completely terrestrial as adults but require water to breed. Western spadefoots inhabit hot dry environments by burrowing underground using hardened spades on their hind feet. Western spadefoots typically breed in ephemeral to seasonal pools and ponds with limited vegetation cover. The basin in the southern portion of the project site contains suitable aquatic breeding habitat for spadefoot toad and individuals could occur. The surrounding grassland habitat is limited but provides potential upland foraging habitat for adult spadefoot toad.

WESTERN POND TURTLE

The southwestern (=western) pond turtle (*Actinemys pallida*) occupies a variety of aquatic habitats including streams, rivers, lagoons, as well as created ponds. Potentially suitable aquatic habitat is present adjacent to the project site in Acacia Creek and the neighboring Tank Farm wetlands. Due to the proximity of the project site to suitable aquatic habitat, transient individuals could move through project area while travelling between aquatic habitats. Vegetation within the project area is not suitable for individuals to remain for extended periods of time; however, individuals could seek refuge under the piles of debris present with in the project area. Although a small patch of Annual Grassland is present on site, they are unlikely to nest there because the adjacent portion of Acacia Creek is unsuitable for long-term occupancy of adults due to insufficient water depth.

TOWNSEND'S BIG-EARED BAT AND PALLID BAT

The pallid bat occupies a variety of habitats including forests, shrublands, deserts, and grasslands and are most common in rocky, dry, and open habitats. Pallid bats roost in a variety of habitats, including trees, but are frequently observed roosting under bridges. In San Luis Obispo County Townsend's big-eared bat is consistently found in the vicinity of creek beds, where they use the riparian corridors for foraging. Typical roost sites include caves or buildings with cave-like features but could also utilize trees. No pallid bats or Townsend's big-eared bats were detected and no evidence of bats (e.g., guano) was observed within the project site during the field surveys; however, these species could utilize the eucalyptus trees along the eastern boundary of the project site as roosting habitat and forage throughout the project site.

AMERICAN BADGER

The American badger has a widespread range across California and is typically most abundant in dry, open areas of most shrub and forest habitats (CDFW 2019). The American badger requires friable soil in order to dig burrows for cover and breeding. The main food source for the American badger is fossorial rodents, mainly ground squirrels and pocket gophers (CDFW 2014). There is potential marginal habitat for American badger on the project site; however, it is unlikely to occur due to the proximity to urban development and disturbed condition of the site.

Special Status Birds and Nesting Birds (including Burrowing Owl, Loggerhead Shrike, White-tail Kite, Golden Eagle, Bald Eagle, Tricolored Blackbird)

The California Fish and Game Code (CFGC) and Migratory Bird Treaty Act (MBTA) provide protection to most migratory bird species and their nests. Birds protected by the CFGC and the MBTA may nest in trees, shrubs, grassland, and structures on site, including raptors such as red-tailed hawk (*Buteo jamaicensis*). One fully protected bird species, white-tailed kite, and two State species of special concern bird species, burrowing owl and loggerhead shrike also have potential to occur or are known to occur in the project site.

The burrowing owl requires underground burrows or occasionally, other cavities, for nesting, roosting, and cover. Burrows used by the owls are usually dug by other fossorial species. Natural rock cavities, debris piles, culverts, and pipes also are used for nesting and roosting. This species has been documented regionally by the CNDDB. The bare ground and sparse vegetation in ruderal areas within the project site could be suitable for wintering burrowing owls. California ground squirrel burrows that could be used by owls were observed on site (Appendix D). This species is not expected to nest on site but could occur as an uncommon transient moving through the area during the winter.

Loggerhead shrike has been documented by the CNDDB within five miles of the project site and is known to occur in the general vicinity. The project site generally provided foraging habitat, and potential nesting habitat is present within the ornamentally planted pepper trees in the southern portion of the project site.

Additionally, State threatened bird species tricolored blackbird and fully protected bird species white-tailed kite, golden eagle, and bald eagle are known from the vicinity of the project site. The project site contains marginal foraging habitat for these species; however, suitable nesting habitat is not present in the project site and individuals would occur only transiently.

d. Sensitive Natural Communities

Fourteen sensitive natural communities were identified by the CNDDB as occurring within five miles of the project site (refer to Appendix D). One sensitive natural community is present within the project site: Vernal Marsh (State Rarity Rank S2). The wetland vegetation community in the constructed basin within the southern portion project site is generally consistent with the vernal marsh sensitive natural community since it supports a predominance of seasonal wetland species. None of the vegetation alliances within the project site, as defined by MCV are considered sensitive, based on CDFWs California Sensitive Natural Communities list (CDFW 2020).

e. Wildlife Corridors

Wildlife corridors are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as between foraging and denning areas, or they may be regional in nature, allowing movement across large portions of the landscape. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. Wildlife movement can be limited by roads, railroads, dams, canals, urban development, and agriculture.

Wildlife movement corridors can be both large and small scale. Regionally, the project site is not located within an Essential Connectivity Area (ECA) as mapped in the report California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California (CDFW 2010). ECAs represent principal connections between Natural Landscape Blocks. ECAs are regions in which land conservation and management actions should be prioritized to maintain and enhance ecological connectivity. ECAs are mapped based on coarse ecological condition indicators, rather than the needs of particular species and thus serve the majority of species in each region. The COSE states that the City will preserve and expand wildlife corridor linkages between open spaces and creek corridors (Policy 7.3.3 and Program 7.7.8).

The project site provides limited and constrained opportunities for wildlife movement since it is surrounded by urban development and the large Tank Farm site that is currently undergoing extensive remediation activities. The northwestern border of the property has some connectivity with an open space area, but that area is also surrounded by urban development. The riparian corridor associated with Acacia Creek is off-site but is used by birds for nesting and foraging activities and contains limited potential to be used as a wildlife corridor for larger animals because it is bisected by roads and dense development upstream from the study area and is degraded by eucalyptus and other non-native species.

4.2.2 Regulatory Setting

Regulated or sensitive resources studied and analyzed herein include special status plant and wildlife species, nesting birds and raptors, sensitive plant communities, jurisdictional waters and wetlands, wildlife movement, and locally protected resources, such as protected trees. Potential impacts to biological resources were analyzed based on the following statutes:

- California Environmental Quality Act (CEQA)
- Federal Endangered Species Act (FESA)
- California Endangered Species Act (CESA)
- Federal Clean Water Act (CWA)

- California Fish and Game Code (CFGC)
- Migratory Bird Treaty Act (MBTA)
- The Bald and Golden Eagle Protection Act
- Porter-Cologne Water Quality Control Act (Porter-Cologne Act)
- City of San Luis Obispo General Plan
- City of San Luis Obispo Municipal Code

a. Federal Regulations

Federal Endangered Species Act

Under the ESA, authorization is required to "take" a listed species. Take is defined under ESA Section 3 as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Under federal regulation (50 Code of Federal Regulations Sections 17.3, 222.102); "harm" is further defined to include habitat modification or degradation where it would be expected to result in death or injury to listed wildlife species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Critical habitat is a specific geographic area(s) that is essential for the conservation of a threatened or endangered species and that may require special management and protection. Critical habitat may include an area that is not currently occupied by the species but that will be needed for its recovery. Section 7 of the ESA outlines procedures for federal interagency cooperation to conserve federally listed species and designated critical habitat. The USFWS and NMFS share responsibility and regulatory authority for implementing the ESA (7 United States Code Section 136, 16 United States Code Section 1531 et seq.).

Section 7(a)(2) of the ESA and its implementing regulations require federal agencies to consult with USFWS or NMFS to ensure they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat. For projects where federal action is not involved and take of a listed species may occur, the project proponent may seek to obtain an incidental take permit under Section 10(a) of the ESA. Section 10(a) allows USFWS to permit the incidental take of listed species if such take is accompanied by a Habitat Conservation Plan that includes components to minimize and mitigate impacts associated with the take.

Migratory Bird Treaty and Bald and Golden Eagle Protection Acts

The MBTA authorizes the Secretary of the Interior to regulate the intentional taking of migratory birds. The Act provides that it is unlawful, except as permitted by regulations, "to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, […] any migratory bird, or any part, nest, or egg of any such bird", if the actions are directed at nesting birds, their nest, or their eggs. (16 United States Code Section 703[a]); however, it has been recently ruled. In addition, the Bald and Golden Eagle Protection Act is the primary law protecting eagles, including individuals and their nests and eggs. The USFWS implements the Migratory Bird Treaty Act (16 United States Code Section 703-711) and the Bald and Golden Eagle Protection Act (16 United States Code Section 668). Under the Bald and Golden Eagle Protection Act's Eagle Permit Rule (50 Code of Federal Regulations 22.26), USFWS may issue permits to authorize limited, non-purposeful take of bald eagles and golden eagles.

Clean Water Act

Under Section 404 of the CWA, the U.S. Army Corps of Engineers (USACE), with oversight by the United States Environmental Protection Agency (USEPA), has authority to regulate activities that result in discharge of dredged or fill material into wetlands or other "waters of the United States." On April 21, 2020, the USACE and USEPA published the Navigable Waters Protection Rule to define "waters of the United States." This rule, effective on June 22, 2020, defines four categories of jurisdictional features and documents certain types of waters that are excluded from jurisdiction. Under the Navigable Waters Protection Rule, "waters of the United States" include:

(1) Territorial seas and traditional navigable waters;

(2) Perennial and intermittent tributaries that contribute surface flow to those waters;

(3) Certain Lakes and ponds, and impoundments of jurisdictional waters; and

(4) Wetlands adjacent to jurisdictional waters.

In achieving the goals of the CWA, the USACE seeks to avoid adverse impacts and to offset unavoidable adverse impacts on existing aquatic resources. Any discharge of dredged or fill material into jurisdictional wetlands or other jurisdictional waters of the United States requires a Section 404 permit from the USACE prior to the start of work. In 2008, the USEPA and the USACE, through a joint rulemaking, expanded the CWA Section 404(b)(1) guidelines to include more comprehensive standards for compensatory mitigation. These standards include ensuring that unavoidable impacts subject to regulation under the CWA are mitigated through replacement to promote no net loss of wetlands. Typically, when a project involves impacts to waters of the United States, the goal of no net loss of wetlands is met by compensatory mitigation. In general, the type and location options for compensatory mitigation should comply with the hierarchy established by the USACE/USEPA 2008 Mitigation Rule (in descending order): (1) mitigation banks; (2) in-lieu fee programs; and (3) permittee-responsible compensatory mitigation. Also, in accordance with CWA Section 401, applicants for a Section 404 permit must obtain water quality certification from the appropriate RWQCB. Under the CWA, the USACE and RWQCB jurisdictional limits are typically identified by the ordinary high water mark (OHWM) or the landward edge of adjacent wetlands (where present).

b. State Regulations

California Endangered Species Act

The CESA (California Fish and Game Code [CFGC] Section 2050 et seq.) prohibits take of state-listed threatened and endangered species without an incidental take permit pursuant to Section 2081 of the CFGC. "Take" under the CESA is defined as to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" and is therefore restricted to direct harm of a listed species. Take under the CESA does not prohibit indirect harm by way of habitat modification (CFGC Section 86).

California Fish and Game Code Sections 3511, 4700, 5050 and 5515

Requirements for the protection of fully protected species are described in CFGC Sections 3511, 4700, 5050 and 5515. These statutes prohibit take or possession of fully protected species. Incidental take of fully protected species may be authorized under an approved Natural Community Conservation Plan.

California Fish and Game Code Sections 3503, 3503.5 and 3511

CFGC Sections 3503, 3503.5 and 3511 describe unlawful take, possession, or destruction of birds, nests and eggs. Fully protected birds described under CFGC Section 3511 may not be taken or possessed except under specific permit. CFGC Section 3503.5 protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs.

Native Plant Protection Act

The CDFW has authority to administer the Native Plant Protection Act (NPPA; CFGC Section 1900 et seq.). The NPPA requires the CDFW to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare. Under NPPA Section 1913(c), the owner of land where a rare or endangered native plant is growing is required to notify the CDFW at least 10 days in advance of changing the land use to allow for salvage of the plant(s).

Natural Community Conservation Planning Act

The Natural Community Conservation Planning Act (Act) is directed by the CDFW and implemented by the State as well as by public and private partnerships as a means to protect habitat in California. The Act takes a regional approach to preserving habitat. Under this Act, a Natural Community Conservation Plan identifies and provides for the regional protection of plants, animals and their habitats, while allowing compatible and appropriate economic activity. Once a Natural Community Conservation Plan has been approved, the CDFW may provide take authorization for all covered species, including fully protected species, under CFGC Section 2835.

Porter-Cologne Water Quality Control Act

The State Water Resources Control Board (SWRCB) and each of nine local RWQCBs has jurisdiction over “waters of the State”, which are defined as any surface water or groundwater, including saline waters, within the boundaries of the state. The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. The SWRCB has issued general Waste Discharge Requirements regarding discharges to “isolated” waters of the State if projects meet certain criteria for enrollment (Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the USACE to be Outside of Federal Jurisdiction). In the project area, the Central Coast RWQCB implements this general order for isolated waters not subject to federal jurisdiction.

California Fish and Game Code Section 1600 et seq.

CFGC Section 1600 et seq. prohibits the substantial diversion or obstruction of the natural flow of, or substantial change to or use of any material from the bed, channel, or bank of any river, stream, or lake; or deposit or disposal of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake without prior notification to CDFW. In order for these activities to occur lawfully, the CDFW must receive written notification regarding the activity in the prescribed manner and may require a lake or streambed alteration agreement. Lakes, ponds, perennial and intermittent streams and associated riparian vegetation, when present, are subject to this regulation.

c. Local Regulations, Policies, and Ordinances

City of San Luis Obispo General Plan

The City of San Luis Obispo General Plan addresses biological resources and compatibility with urban development through implementation of adopted policies and programs in the City's updated General Plan Land Use and Circulation Element (LUCE) and COSE. The LUCE and COSE include policies require protection of special-status plant and animal species and associated habitat and biological resources, including open spaces, creeks and wetlands, trees, ecotones, and wildlife corridors. These local policy requirements pertaining to biological resources will be implemented in the project site through incorporation of the mitigation measures presented in this document.

The following LUCE policies define the local regulatory setting for biological resources in the project site:

> **Policy 1.8.6. Wildlife Habitat**. The City shall ensure that continuous wildlife habitat – including corridors free of human disruption - are preserved, and, where necessary, created.
>
> **Policy 2.3.7. Natural Features**. The City shall require residential developments to preserve and incorporate as amenities natural site features, such as land forms, views, creeks, wetlands, wildlife habitats, wildlife corridors, and plants.
>
> **Policy 6.4.3. Development Standards**. The City shall require development – including buildings, driveways, fences and graded yard areas – on hillside parcels to:

A. Be entirely within the urban reserve line or development limit line, whichever is more restrictive (though parcel boundaries may extend beyond these lines when necessary to meet minimum parcel-size standards), unless one of the following three exceptions applies:
   a. A location outside the urban reserve line or development limit line is necessary to protect public health and safety.
   b. New wireless telecommunication facilities may be appropriate on South Street Hills inside the three-acre leasehold already developed with commercial and municipal radio facilities, subject to use permit approval and architectural review and approval. Applicants shall comply with all other provisions of this section, and demonstrate that (a) new facilities will not individually or additively interfere with City radio equipment necessary for emergency response coordination, and (b) will not cause on-site radio frequency radiation levels to exceed exposure standards established for the general public by the American National Standards Institute.
   c. Where a legally built dwelling exists on a parcel which is entirely outside the urban reserve line or development limit line, a replacement dwelling may be constructed subject to standards B through H below.

B. Keep a low profile and conform to the natural slopes;

C. Avoid large, continuous walls or roof surfaces, or prominent foundation walls, poles, or columns;

D. Minimize grading of roads;

E. Minimize grading on individual lots; generally, locate houses close to the street; minimize the grading of visible driveways;

F. Include planting which is compatible with native hillside vegetation and which provides a visual transition from developed to open areas;

G. Use materials, colors, and textures which blend with the natural landscape and avoid high contrasts;
H. Minimize exterior lighting.

Policy 6.6.1. Creek and Wetlands Management Objectives. The City shall manage its lake, creeks, wetlands, floodplains, and associated wetlands to achieve the multiple objectives of:

A. Maintaining and restoring natural conditions and fish and wildlife habitat;
B. Preventing loss of life and minimizing property damage from flooding;
C. Providing recreational opportunities which are compatible with fish and wildlife habitat, flood protection, and use of adjacent private properties.
D. Recognizing and distinguishing between those sections of creeks and Laguna Lake which are in urbanized areas, such as the Downtown core, and sections which are in largely natural areas. Those sections already heavily impacted by urban development and activity may be appropriate for multiple use whereas creeks and lakeshore in a more natural state shall be managed for maximized ecological value.

The COSE includes goals that address biological resources, including Goal 7.2 Sustainable Natural Populations which includes Policies 7.3.1 through 7.3.3, Goal 7.4 Trees and other Plants which includes Policies 7.5.1 through 7.5.6, and Goal 7.7 Program which includes policies 7.7.1 through 7.7.9. The following COSE policies define the local regulatory setting for biological resources in the project site:

Policy 7.3.1.A-D. Protect Listed Species. The City will comply with state and federal requirements; the City will protect listed species through its actions on: land-use designations; development standards; development applications; location, design, construction and maintenance of creeks, City roads and facilities; and on land that the City owns or manages. Additionally, the City may approve a project where mitigation requires relocation of a species if there is no practicable alternative.

Policy 7.3.2. Species of Local Concern. The City will:

- Maintain healthy populations of native species in the long term, even though they are not listed for protection under State or Federal laws. These “species of local concern” are at the limit of their range in San Luis Obispo, or threats to their habitat are increasing.
- Identify the location, habitat and buffer needs of species of local concern. This information will be developed by qualified people early in the planning and development review process.
- Protect species of local concern through its actions on land use designations, development standards, development applications; the location, design, construction and maintenance of City facilities; land that the City owns or manages.
- Encourage individuals, organizations and other agencies to protect species of local concern within their areas of responsibility and jurisdiction.
- Protect sensitive habitat, including creeks, from encroachment by livestock and human activities

Policy 7.3.3. Wildlife Habitat and Corridors. Continuous wildlife habitat, including corridors free of human disruption, shall be preserved and where necessary, created by interconnecting open spaces, wildlife habitat and corridors. To accomplish this, the City will:

- Require public and private developments, including public works projects, to evaluate animal species and their movements within and through development sites and create habitats and corridors appropriate for wildlife.
- Plan for connectivity of open spaces and wildlife habitat and corridors using specific area plans, neighborhood plans, subdivision maps or other applicable planning processes, consistent with Open Space Guidelines.
- Coordinate with San Luis Obispo County and adjoining jurisdictions, federal and state agencies such as Caltrans to assure regional connectivity of open space and wildlife corridors.
- Preserve and expand links between open spaces and creek corridors.

Program 7.7.8. Protect Wildlife Corridors. Condition development permits in accordance with applicable mitigation measures to ensure that important corridors for wildlife movement and dispersal are protected. Features of particular importance to wildlife include riparian corridors, wetlands, lake shorelines, and protected natural areas with cover and water. Linkages and corridors shall be provided to maintain connections between habitat areas.

Program 7.7.9. Creek Setbacks. As further described in the zoning regulations (Section 17.16.025), the City will maintain creek setbacks to include: an appropriate separation from the physical top of bank, the appropriate floodway as identified in the Flood Management Policy, native riparian plants or wildlife habitat and space for paths called for by any city-adopted plan. In addition, creek setbacks should be consistent with the following:

- The following items should be no closer to the wetland or creek than the setback line: buildings, streets, driveways, parking lots, aboveground utilities, and outdoor commercial storage or work areas.
- Development approvals should respect the separation from creek banks and protection of floodways and natural features identified in Part A above, whether or not the setback line has been established.
- Features which normally would be outside the creek setback may be permitted to encroach where there is no practical alternative, to allow reasonable development of a parcel, consistent with the Conservation and Open Space Element.
- Existing bridges may be replaced or widened, consistent with policies in this Element. Removal of any existing bridge or restoration of a channel to more natural conditions will provide for wildlife corridors, traffic circulation, access, utilities and reasonable use of adjacent properties.

City of San Luis Obispo Municipal Code

Section 17.70.030. Creek Setbacks. As stated in the Title 17 Zoning Regulations of the City of San Luis Obispo Municipal Code, creek setbacks apply to all creeks defined in the COSE (refer to Figure 9 of the COSE), and are measured from the existing top of bank or from the outside edge of the predominant riparian vegetation, whichever is farther from the creek flow line. The zoning regulations specify different setback dimensions for different classes of covered waterways such as whether the creek was within the 1996 City limits or annexed after 1996. Acacia Creek qualifies under the zoning regulations for a 35-foot setback from the top of the bank or outside edge of riparian vegetation; however, the City may require larger setbacks for discretionary projects in order to avoid environmental impacts. In accordance with Title 17.70.030.G (Exceptions to Creek Setbacks) the Community Development Director may authorize an exception to a creek setback

under specific circumstances or where specific findings can be satisfied through discretionary review of a Director's Hearing Permit (17.109 – Director's Hearing) to ensure requests for creek setback exceptions minimize impacts to sensitive riparian habitat.

Airport Area Specific Plan

The project site is located within the AASP. AASP Policy 3.2.1 calls for establishing healthy, continuous riparian vegetation along Acacia Creek within the subject property (City of San Luis Obispo 2014). The AASP anticipates a 35-foot setback from the top of bank or edge of riparian dripline along Acacia Creek, whichever is farther.

4.2.3 Impact Analysis

a. Methodology

This impact analysis is based on site reconnaissance surveys conducted in February 2020 by KMA and September 2020 by Rincon to verify existing conditions. Additionally, focused rare plant surveys were conducted by KMA on March 3, April 24, May 13, June 2, June 30, and July 19, 2020. Wet season sampling for listed vernal pool branchiopods was conducted in December 2019, and January, March, and April 2020 by Sage Institute, described in Appendix D.

The survey methodologies used in the analysis of biological resources contained in the Biological Resources Assessment for 600 Tank Farm Road (August 14, 2020, revised November 4, 2020 prepared by KMA) and the 2019-2020 Wet Season Vernal Pool Branchiopod Survey 90-Day Report for 600 Tank Farm Road (August 2020) prepared by Sage Institute are included in Appendix D. For the list of all special status species known from the project vicinity, their habitats, and potential for occurrence on the site, please refer to KMA 2020 in Appendix D.

b. Thresholds of Significance

The following thresholds are based on Appendix G of the *State CEQA Guidelines*. Impacts would be significant if the project would:

a. Have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
b. Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service;
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites;
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.

Potential impacts related to conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan (checklist question f) are discussed in Section 4.11, *Impacts Addressed in the Initial Study*. No conflicts would exist because no such plans are in place that cover the project site. These impacts were found to be less than significant and are not discussed further in this section.

c. Impact Analysis and Mitigation Measures

Threshold a:	Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Impact BIO-1 CONSTRUCTION OF THE PROJECT WOULD IMPACT SPECIAL STATUS PLANT AND ANIMAL SPECIES. THIS IMPACT WOULD BE POTENTIALLY SIGNIFICANT, REQUIRING MITIGATION.

Special Status Plants

Field surveys conducted on the applicant-owned parcel of the project site in 2020 identified three special status plant species on site. Five mouse gray dudleya (CRPR 1B.3) individuals were observed in the northwestern part of the site on a steep east-facing slope on the serpentine hill area. Fifteen Cambria morning glory (CRPR 4.2) individuals were observed in a small occurrence near the on-site basin wetland. Eleven individuals of Congdon's tarplant (CRPR 1B.1) were observed in the western portion of the basin.

The portion of the project not currently owned by the applicant has not been recently surveyed for special status plants. Based on the Chevron Final EIR, Congdon's tarplant was identified within the portion of the project south of Tank Farm Road during botanical surveys in 2003, 2005, and 2007. Updated botanical surveys would need to be completed to determine the current status and extent of the population.

As currently designed, the project would not impact the identified mouse gray dudleya individuals. The proposed disturbance footprint on the project site would impact the entirety of the occurrences of Cambria morning-glory and Congdon's tarplant. The proposed road and infrastructure improvements to Tank Farm Road would likely impact the historic population of Congdon's tarplant within the project area south of Tank Farm Road, if still present. Cambria morning-glory is considered a sensitive resource by the City. Congdon's tarplant is considered rare throughout its range and is also considered a sensitive resource by the City. Project impacts to the on-site occurrences of these special status plant species would be potentially significant, requiring mitigation.

Special Status Wildlife

Thirteen special-status animal species have the potential to occur within the project site based on the presence of suitable habitat. These species include VPFS, CRLF, western spadefoot, southwestern pond turtle, American badger, pallid bat, Townsend's big-eared bat, burrowing owl, and loggerhead shrike. Suitable foraging habitat is also present for special status bird species

tricolored blackbird, white-tailed kite, golden eagle, and bald eagle. See below for a discussion of potential impacts associated with each of these species.

The project would not impact foothill yellow-legged frog or monarch butterfly as suitable habitat is not present within the project site.

Federal and/or State Listed Species

VERNAL POOL FAIRY SHRIMP

The federally threatened VPFS was not detected within the wetland basin within the applicant owned parcel during USFWS protocol wet and dry season surveys during the 2019-2020 rain season. However, the portion of the study area South of Tank Farm Road contains vernal marsh habitat known to harbor VPFS. Updated USFWS protocol wet and dry season surveys will be required to determine if the population remains extant. If VPFS are determined to be present within the vernal marsh habitat, VPFS would be directly impacted by the proposed infrastructure improvements to Tank Farm Road. Indirect impacts include modification of drainage patterns and features containing vernal pool habitat off-site that could diminish the quality of VPFS habitat. Operation of the project is not expected to cause long-term impacts to the species. Impacts to VPFS, if present, would be potentially significant.

CALIFORNIA RED-LEGGED FROG

The federally threatened and State species of special concern CRLF has a low potential to occur within the project site as the project would not impact suitable aquatic breeding habitat. Acacia Creek adjacent to the project site does not provide sufficient water depth to support adult CRLF (refer to Appendix D). The seasonal wetland (vernal marsh) habitat on site provides potential seasonal non-breeding aquatic habitat for dispersing individuals. Protocol surveys conducted in the vicinity of the project site have yielded negative results. However, adult CRLF could traverse the project site or use the debris piles as refuges during periods of wet weather. Direct impacts to CRLF include mortality or injury of individuals during initial ground disturbance activities. Indirect impacts include modification to marginally suitable dispersal habitat. Based on the availability of higher quality dispersal habitat on neighboring properties, impacts to dispersal habitat and long-term impacts to CRLF would be less than significant. Direct impacts to individual CRLF during construction of the project are potentially significant.

Species of Special Concern

WESTERN SPADEFOOT

The seasonal wetland (=vernal marsh) habitat located in southern portion of the project site contains potential breeding habitat for western spadefoot. Suitable upland habitat for this species occurs in the immediate vicinity of this wetland areas within the annual grassland. Direct impacts to western spadefoot include mortality or injury of individuals during initial ground disturbance activities, as well as permanent or temporary impacts to potentially suitable breeding and upland habitat. Operation of the project will not involve regular or consistent ground disturbance or modification within western spadefoot habitat, and is therefore, not expected to cause long-term impacts to the species. Because this species tends to return to the same breeding area year after year and exhibits highly localized movement patterns mainly in the vicinity of suitable breeding habitat, populations are at a high risk of local extirpation from the loss of breeding habitat in

combination with injury or mortality of individuals in uplands. Therefore, impacts to the western spadefoot from implementation of the project are potentially significant.

SOUTHWESTERN POND TURTLE

The southwestern pond turtle is known to occur in Acacia Creek. The project would not impact suitable aquatic breeding habitat; however, Acacia Creek adjacent to the project site provides non-breeding aquatic habitat and individuals may be present within upland areas in the vicinity of Acacia Creek, including the project site. This species may be present under stored materials and debris that will be removed from the property prior to site grading. Direct impacts to southwestern pond turtle include mortality or injury of individuals during initial ground disturbance activities and debris removal. Operation of the project will not involve regular or consistent ground disturbance or modification within southwestern pond turtle habitat, and is therefore, is not expected to cause long-term impacts to the species. Impacts to southwestern from implementation of the project are potentially significant.

AMERICAN BADGER

Marginal habitat for American badger is present within the project site; however, no sign was detected during biological surveys. Individual badgers may use the project site for foraging or denning. Direct impacts to American badger may occur as a result of ground disturbing activities through injury, direct mortality, and destruction of dens, if present, during construction. Loss of individuals could potentially lead to a downward trend in regional/local populations or cause a restriction in this species' range locally. Operation of the project will not involve regular or consistent ground disturbance or modification within American badger habitat, and is therefore, is not expected to cause long-term impacts to the species. Therefore, impacts to American badger are potentially significant.

PALLID BAT AND TOWNSEND'S BIG-EARED BAT

The project could result in the potential loss or degradation of bat roosting habitat. The project would remove existing ornamental trees throughout the project site and disturb the vicinity of the eucalyptus grove that could be used as roosting habitat by several bat species, including Townsend's big-eared bat and pallid bat. Loss of roosting habitat is potentially significant because roosting sites generally have unique characteristics that make them suitable. For example, the loss of maternity roosts can lower the reproductive success of a population. Roosting individuals or small groups may utilize the project site; however, roosting colonies are not expected to occur within the project site. Indirect impacts to these two bat species would include loss of foraging areas, which could result in the reduction of prey populations available. Operation of the project will not involve regular tree removal or modification of bat roosting habitat, and is therefore, is not expected to cause long-term impacts to the species. Impacts to foraging habitat would be less than significant based on the relatively small amount of area to be disturbed compared to the foraging habitat available immediately adjacent to project site.

SPECIAL STATUS BIRDS AND NESTING BIRDS

Several bird species protected by the California Fish and Game Code may nest in trees, shrubs, and burrows (in the case of burrowing owls) within the project site. Three Fully Protected species (white-tailed kite, golden eagle, and bald eagle) and one candidate for federally threatened species (tricolor blackbird) have the potential to occur within the project site; however, suitable nesting

habitat for these species is not present. Additionally, overwintering habitat for State species of special concern burrowing owl and limited nesting habitat for State species of special concern loggerhead shrike is present. The project may result in direct or indirect impacts to other nesting bird species (including those protect under CFGC and MBTA), should they be present within and/or in the immediate vicinity of areas of disturbance at the time of construction.

Direct impacts to nesting birds may occur due to removal or trimming of trees, shrubs, and other nesting substrates that may contain active nests. Impacts could occur during initial ground disturbing activities as well as site preparation (clearing, grubbing, and fuel management). Indirect impacts to white-tailed kite, golden eagle, bald eagle, and tricolor blackbird may occur from loss of foraging habitat; however, the neighboring Tank Farm property and South Hills open space provide higher quality foraging habitat and indirect impacts by loss of foraging habitat would be minimal for these species. Indirect impacts to nesting birds may occur from construction activities in the vicinity of an active nest resulting in distress to adults and disruption of nesting behavior leading to abandonment or nest failure. Impacts to special status bird species or nesting migratory birds are potentially significant.

Mitigation Measures

BIO-1(a) Construction Best Management Practices

The applicant shall ensure the following general wildlife Best Management Practices (BMPs) are required for construction activities for the project:

- Ground disturbance shall be limited to the minimum necessary to complete construction activities. Construction limits of disturbance shall be flagged. All equipment and material storage, parking, staging and other support areas shall be identified prior to issuance of a grading permit. Areas of special biological concern within or adjacent to construction limits shall have highly visible orange construction fencing installed between said area and the limits of disturbance.
- All project construction activities shall occur during daylight hours (i.e., between sunrise and sunset) and during dry weather conditions. Night lighting shall be prohibited.
- Upon completion of construction all excess materials and debris shall be removed from the project construction area and disposed of appropriately.
- The work area shall remain clean. All food-related trash items shall be enclosed in sealed containers and removed from the site weekly.
- Pets and firearms shall be prohibited at the construction site.
- All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from Acacia Creek and in a location where a spill would not drain toward aquatic habitat. A plan must be in place for prompt and effective response to any accidental spills prior to the onset of work activities. All workers shall be informed of the appropriate measures to take should an accidental spill occur.
- To control sedimentation during and after project implementation, appropriate erosion control BMPs (e.g., use of coir rolls, jute netting, etc.) shall be implemented to minimize adverse effects to Acacia Creek. No plastic monofilament netting shall be utilized on site.
- All equipment operating within aquatic habitat shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.

- At the end of each work day, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
- Stockpiles of chemicals, drums, bagged materials, and other hazardous materials such as propane, acetylene shall have pallets and/or secondary containment. Should a material spills occur, City compliance monitoring staff shall be informed of the spill and materials and/or contaminants shall be cleaned from the project construction area and recycled or disposed of to the satisfaction of the City and in accordance with all applicable local, State, and federal regulations.

Plan Requirements and Timing. These measures shall be implemented during grading and construction activities. The applicant shall provide monthly maintenance reports during construction to the City compliance monitoring staff to document compliance with the above measures. The applicant shall notify the City immediately if a chemical or hazardous material occurs.

Monitoring. City staff will spot check for compliance during construction.

BIO-1(b) Worker Environmental Awareness Program Training

Prior to the initiation of construction activities (including staging and mobilization), a qualified biologist shall provide all personnel associated with project construction with a Worker Environmental Awareness Program (WEAP) training. The training will aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and avoidance measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer documenting they have attended the WEAP and understand the information presented to them. Fact sheets shall be reviewed and approved by the City prior to conducting the training. The required notification and an attendance log that includes the names and signatures of all personnel that have received the training shall be provided to the City upon completion of the training. The applicant shall notify City compliance monitoring staff of the date and time the training is scheduled so that City staff may attend.

Monitoring. City compliance monitoring staff shall review fact sheets prior to conducting the training. The required notification and an attendance log that includes the names and signatures of all personnel that have received the training shall be provided to City compliance monitoring staff prior to the start of grading or construction activities.

BIO-1(c) Updated Surveys for Infrastructure Improvement Parcels

Within the portions of the study area not currently owned by the applicant, but where improvements are required to facilitate the project, the applicant shall conduct updated surveys of sensitive species habitats (including special status plant species, CRLF, wetland habitat, and VPFS habitat) within the appropriate season immediately prior to the onset of any ground disturbances associated with project-related construction activities to evaluate the current occupancy of suitable habitat for sensitive species and to refine the final habitat mitigation replacement acreages.

Updated surveys for federally listed species shall be completed per the timing and methodology specified by resource agency protocol.

If special status plant species are identified during the updated survey(s), the species shall be incorporated into Special Status Plant Species Mitigation Plan in accordance with BIO-1(e). The plan shall provide a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for impacts to any special status plant species with California Rare Plant Rank (CRPR) of 1 or 2 and a minimum ratio of 1:1 for special status plant species with CRPR 3 or 4. If a federally and/or state listed plant species is identified during the surveys, the applicant shall avoid all impacts to the species. If avoidance is infeasible, the applicant shall consult with the City and the United States Fish and Wildlife Service and/or California Department of Fish and Wildlife, as applicable, for authorization of take.

If CRLF is identified during the survey(s), BIO-1(f) shall be implemented during project construction of the study area not currently owned by the applicant to ensure no take of individual CRLF.

If VPFS are identified during the survey(s), BIO-1(d) shall be implemented during project construction of the study area not currently owned by the applicant to ensure no take of individual VPFS.

If vernal marsh or other season wetland habitat is identified during the survey(s) and impacts to season wetland habitat cannot be avoided, a formal jurisdictional delineation shall be completed for the feature(s). Impacts to the habitat shall be included in the Habitat Mitigation and Monitoring Plan as detailed in BIO-2(b).

Plan Requirements and Timing. Results of the survey(s) shall be documented and results communicated to City compliance monitoring staff and applicable agencies prior to issuance of grading permits.

Monitoring. The City shall review the survey results and provide confirmation of compliance with the conditions outlined in the measure.

BIO-1(d) Vernal Pool Fairy Shrimp Mitigation Plan

If VPFS are present within the study area and may be impacted by project-related construction, a Vernal Pool Fairy Shrimp Mitigation Plan shall be prepared which provides a minimum ratio of 1:1 (number of acres restored to number of acres impacted) for impacts to VPFS. The plan shall identify the specific mitigation sites and can be prepared in conjunction with the Habitat Mitigation and Monitoring Plan (BIO-2(b)). The plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e. location, responsible parties, areas to be impacted);
- Goal(s) of the compensatory mitigation project [area(s) of vernal pool fairy shrimp habitat to be established and/or preserved;
- Description of the proposed compensatory mitigation receiver site(s) (location and size, ownership status, existing conditions of the compensatory mitigation site); the receiver site(s) shall be at least the size as the area currently occupied by the current population to ensure the replacement ratio is achieved;
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
- Maintenance activities during the monitoring period, as appropriate (activities, responsible parties, schedule);

- Monitoring plan for the compensatory mitigation site, (performance standards, target acreages to be established, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives;
- An adaptive management program and remedial measures to address negative impacts to restoration efforts;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

Plan Requirements and Timing. The Vernal Pool Fairy Shrimp Mitigation Plan shall be prepared by the applicant and shall be submitted to the City compliance monitoring staff for review and approval prior to approval of grading and construction permits. The applicant shall be responsible for documenting compliance with the Vernal Pool Fairy Shrimp Mitigation Plan as stipulated by the plan.

Monitoring. All reporting will be submitted to the City for review and approval. The replacement populations shall be monitored by a qualified biologist for 5 years.

BIO-1(e) Special Status Plant Mitigation Plan

A Special Status Plant Mitigation Plan shall be prepared by a qualified botanist approved by the City, which will provide a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for impacts to Congdon's tarplant and a minimum ratio of 1:1 for Cambria morning-glory. If project construction has not occurred by January 1, 2024, seasonally timed botanical surveys shall be conducted to determine the current extent of the special status plant species populations on site. The plan shall identify the specific mitigation sites and can be prepared in conjunction with the Habitat Mitigation and Monitoring Plan (BIO-2(b)). The plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e. location, responsible parties, areas to be impacted by habitat type);
- Goal(s) of the compensatory mitigation project [area(s) of special status plant species to be established and/or preserved;
- Description of the proposed compensatory mitigation receiver site(s) (location and size, ownership status, existing conditions of the compensatory mitigation site); the receiver site(s) shall be at least twice the size as the area currently occupied by the rare plant occurrences to ensure the replacement ratio is achieved.
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, (performance standards, target acreages to be established, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives;
- An adaptive management program and remedial measures to address negative impacts to restoration efforts;

- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

Plan Requirements and Timing. The Special Status Plant Mitigation Plan shall be prepared by the applicant and shall be submitted to City compliance monitoring staff for review and approval by the City prior to approval of grading and construction permits. The applicant will be responsible for documenting compliance with the Special Status Plant Mitigation Plan as stipulated by the plan.

Monitoring. All reporting will be submitted to the City for review and approval. The replacement populations shall be monitored by a qualified biologist for 5 years.

BIO-1(f) California Red-Legged Frog Impact Avoidance and Minimization

A qualified biologist(s) shall conduct a pre-construction survey for CRLF within 48 hours prior to the initial onset of initial ground or vegetation disturbing activities. All potentially suitable habitat for CRLF shall be surveyed during the daytime and again after dark. The surveys shall include all areas where project construction activities will occur, as well as a 300-foot buffer upstream and downstream of the project boundary in Acacia Creek. If no individuals are found during the pre-construction survey, work may proceed with monitoring as described below. If CRLF is found and the individual is likely to be injured or killed by work activities, all work must stop and the individual will be allowed to move out of harm's way of its own volition then the applicant/developer shall comply with all relevant requirements of the FESA prior to resuming project activities.

A qualified biologist(s) shall monitor the removal of material and debris piles that may contain cover for CRLF. If CRLF is identified within the construction area during project construction, ground-disturbing activities shall immediately cease, and the individual will be allowed to move out of harm's way of its own volition before work activities may begin. If the individual does not move out of harm's way, the USFWS shall be notified and consulted. Ground-disturbing activities shall commence following guidance from the USFWS and the City. No CRLF shall be captured, handled, or relocated without approval by the USFWS.

Plan Requirements and Timing. Results of the survey(s) shall be communicated to the City compliance monitoring staff immediately upon completion. The applicant shall submit the results report for the pre-construction surveys within one week of completing the surveys. The applicant shall consult with a qualified biologist if relocations are employed, and the applicant must provide the City with documentation of the effort and summary of the results within one week.

Monitoring. The City shall review the survey results and provide confirmation of compliance with the conditions outlined in the measure.

BIO-1(g) Southwestern Pond Turtle and Western Spadefoot Impact Avoidance and Minimization

A qualified biologist(s) shall conduct a pre-construction survey for southwestern pond turtle and western spadefoot within 48 hours prior to the initial onset of initial ground or vegetation disturbing activities. All potentially suitable habitat for southwestern pond turtle, western spadefoot toad within the study area where project-related activities would occur shall be surveyed. If southwestern pond turtle or western spadefoot is found and the individual is likely to be injured or killed by work activities, all work must stop and the individual will be allowed to move out of harm's way of its own volition before work activities may begin. Individuals may be relocated out of harm's

way by a qualified biologist, if present, before work activities begin. The biologist(s) must relocate the any pond turtle or western spadefoot the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project.

A qualified biologist(s) shall monitor the removal of material and debris piles that may contain cover for southwestern pond turtle and western spadefoot. If southwestern pond turtle or western spadefoot is found and the individual is likely to be injured or killed by work activities, all work must stop and the individual will be allowed to move out of harm's way of its own volition before work activities may begin. Individuals may be relocated out of harm's way by a qualified biologist, if present, before work activities begin. The biologist(s) must relocate the any pond turtle or western spadefoot the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project.

Plan Requirements and Timing. Results of pre-construction survey(s) shall be communicated to the City immediately upon completion. The applicant shall submit the results report for the pre-construction surveys within one week of completing the surveys. The applicant shall consult with a qualified biologist if relocations are employed. The relocations must be conducted by a qualified biologist, and the applicant must provide the City with documentation of the effort and summary of the results within one week.

Monitoring. The City shall review the survey results and provide confirmation of compliance with the conditions outlined in the measure.

BIO-1(h) American Badger Impact Avoidance and Minimization

A qualified biologist(s) shall conduct a pre-construction survey for potential American badger dens within one week prior to the initial onset of initial ground or vegetation disturbing activities. The survey shall be conducted within all project work areas and a 50-foot buffer.

Any potential dens/burrows found shall be identified with flagging or stakes, as feasible, and a 50-foot no-work buffer shall be flagged. If any potential American badger dens are found that cannot be avoided by the 50-foot buffer area, a qualified biologist will monitor the dens and employ wildlife trail cameras and/or a tracking medium around dens and monitored daily for at least three days to determine whether they are currently occupied by badgers. If the den is determined not to be occupied by a badger or other special status wildlife species, construction may commence.

No dens with young shall be disturbed, and no work shall be conducted within 50 feet of maternal dens until they have left the den. Any occupied badger den that is being used by a single adult with no young that cannot be avoided shall be blocked incrementally by placing sticks or debris over the entrance for three to five days, to discourage the individual from using the den. Only after the badger has left the den, as determined by the qualified biologist implementing the wildlife camera and/or tracking medium methods, can the den be concluded as unoccupied and the work proceed within the no-work buffer.

Plan Requirements and Timing. Results of pre-construction survey(s) shall be communicated to the City immediately upon completion. The applicant shall submit the results report for the pre-construction surveys within one week of completing the surveys. The applicant shall consult with a qualified biologist if passive exclusion methods are employed, and the applicant must provide the City with documentation of the effort and summary of the results within one week.

Monitoring. The City shall review the survey results and provide confirmation of compliance with the conditions outlined in the measure. The City shall review the applicant's methodology and

rationale for passive exclusions prior to implementation of the exclusion. The City shall ensure the avoidance buffers are established and maintained as needed.

BIO-1(i) Pallid Bat and Townsend's Big-Eared Bat Impact Avoidance and Minimization

The applicant shall ensure the following actions are implemented to avoid and minimize potential impacts to special status bat species:

Within one week prior to construction activities, including tree removal, a qualified biologist shall conduct a survey of the trees proposed to be removed within the construction area to determine if roosting bats are present during the non-breeding season (November through March). If a colony of bats is found roosting in any tree or structure, further surveys shall be conducted sufficient to determine the species present and the type of roost (day, night, maternity, etc.). If the bats are not part of an active maternity colony, passive exclusion measures may be implemented with approval from the City in consultation with CDFW. Exclusions shall occur outside the breeding season (typically May through August) and winter hibernation (typically December through February).

If bats are roosting in tree cavities in the construction area during the daytime but are not part of an active maternity colony, then exclusion measures must include one-way valves that allow bats to get out but are designed so that the bats may not re-enter the roost cavity.

Plan Requirements and Timing. Results of pre-construction survey(s) shall be communicated to the City immediately upon completion. The applicant shall submit the results report for the pre-construction surveys within one week of completing the surveys. The applicant shall consult with a qualified biologist if passive exclusion methods are employed, and the applicant must provide the City with documentation of the effort and summary of the results within one week.

Monitoring. The City shall review the survey results and provide confirmation of compliance with the conditions outlined in the measure. The City shall review the applicant's methodology and rationale for passive exclusions prior to implementation of the exclusion.

BIO-1(j) Burrowing Owl Impact Avoidance and Minimization

The following measures shall be implemented in order to avoid and minimize impacts to burrowing owl.

a. Not more than 30 days prior to initiation of ground-disturbing activities, and again within 24 hours of the initiation of ground-disturbing activities associated with construction, a City-approved biologist shall conduct a take avoidance survey of the construction area and surrounding areas to a distance of 150 meters, in accordance with the methods outlined in the *Mitigation Methods – Pre-construction and Appendix D Surveys for Take Avoidance of the California Department of Fish and Game* (CDFG; now CDFW) Staff Report on Burrowing Owl Mitigation (CDFG 2012). The pre-construction survey will cover all areas within 150 meters of the portion of the site where construction is scheduled to start. Areas within 150 meters that are not accessible due to property access restrictions shall be surveyed using binoculars. Surveys will be phased, based on the grading and construction schedule, such that they are conducted not more than 30 days before the start of ground disturbing activities in new areas. If grading and/or construction activities in portions of the site cease for a period of 14 days, those portions of the site will be resurveyed for burrowing owls prior to the resumption of grading and/or construction activities. If no occupied (breeding or wintering) burrowing owl burrows are identified, no further mitigation would be required. If

occupied burrows are identified on the site or within 150 meters of the Project disturbance area, one of the following actions shall be taken: 1) permanent avoidance of the burrow or 2) establishment of a temporary avoidance buffer followed by passive relocation and compensatory mitigation for loss of habitat in conjunction with the measures below:

1. Site-specific, no-disturbance buffer zones shall be established and maintained between Project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFG 2012) or as otherwise determined appropriate by the County-approved biologist in consultation with CDFW.
2. During the non-breeding season, if an occupied burrow cannot be avoided, and the burrow is not actively in use as a nest, the burrowing owls can be excluded from burrows in accordance with an approved Burrowing Owl Exclusion Plan, which shall be prepared and submitted for approval by CDFW prior to passive relocation of any burrowing owls. The Burrowing Owl Exclusion Plan shall be based on the recommendations made in the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 2012) and shall include the following information for each proposed passive relocation:
    a. Confirmation by site surveillance that the burrow(s) is empty of burrowing owls and other species;
    b. Identification of type of scope to be used and appropriate timing of scoping;
    c. Occupancy factors to look for and what shall guide determination of vacancy and excavation timing;
    d. Methods for burrow excavation;
    e. Removal of other potential owl burrow surrogates or refugia on site;
    f. Methods for photographic documentation of the excavation and closure of the burrow;
    g. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;
    h. Methods for assuring the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals; and
    i. Method(s) for compensatory mitigation for burrow loss.

Plan Requirements and Timing. Results of pre-construction survey(s) shall be communicated to the City immediately upon completion. The applicant shall submit the results report for the pre-construction surveys within one week of completing the surveys. A report on the implementation of impact avoidance measures used shall be included on all grading and construction plans prior to grading. A report on the implementation of impact avoidance measures implemented shall be submitted to City and CDFW upon completion of the construction project. If passive relocation is required, the Burrowing Owl Exclusion Plan must be submitted and approved by Planning and Development prior to conducting exclusion activities. The applicant shall retain a qualified City- and CDFW-approved biologist to monitor all construction activities as warranted to ensure compliance.

Monitoring. The approved biologist shall submit monitoring reports to the City and CDFW for review.

BIO-1(k) Nesting Birds and Loggerhead Shrike Impact Avoidance and Minimization

construction activities shall be initiated outside of the typical avian nesting period, between February 1 and August 31, if feasible. All initial site and vegetation disturbance shall be limited to the time period between September 1 and January 31, if feasible.

If initial ground disturbing activities and vegetation removal occurs between February 1 and August 31, nesting bird surveys shall be conducted by a qualified biologist for the entire construction area plus a 250-foot buffer within one week prior to initial ground disturbance activities or removal of vegetation. Surveys shall continue to be conducted within the timeframes specified above until all vegetation removal activities are completed. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 50 feet of nests of passerine species, including loggerhead shrike, 250 feet of nests of raptor species until chicks are fledged. Any changes in buffer extent shall be made in consultation with the City. The buffer will be delineated with flagging, and no work shall take place within the buffer area until the young have left the nest, as determined by the qualified biologist.

Plan Requirements and Timing. Results of pre-construction survey(s) shall be communicated to the City immediately upon completion. The applicant shall submit the results report for the pre-construction surveys within one week of completing the surveys. Buffer reduction requests must be submitted to the City for approval prior to implementation of a reduced buffer.

Monitoring. The City shall review the survey results and provide confirmation of compliance with the conditions outlined in the measure. The City shall ensure the avoidance buffers are established and maintained as needed.

Significance After Mitigation

Implementation of mitigation measures BIO-1(a) through BIO-1(k) would minimize potential impacts to special status species and ensure that the project would comply with COSE Policies 7.3.1, Protected Species, and 7.3.2 Species of Local Concern. Implementation of the required mitigation would reduce this impact to a less than significant level.

Threshold b:	Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
Threshold c:	Would the project have a substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Impact BIO-2 THE PROJECT WOULD INDIRECTLY IMPACT RIPARIAN HABITAT ASSOCIATED WITH ACACIA CREEK, AND WOULD ALSO IMPACT VERNAL MARSH, A SENSITIVE NATURAL COMMUNITY AND A POTENTIAL FEDERAL AND/OR STATE JURISDICTIONAL WETLAND FEATURE. IMPACTS TO RIPARIAN HABITAT ASSOCIATED WITH ACACIA CREEK WOULD BE LESS THAN SIGNIFICANT; HOWEVER, IMPACTS TO VERNAL MARSH AND FEDERAL AND/OR STATE WETLANDS WOULD BE POTENTIALLY SIGNIFICANT REQUIRING MITIGATION.

No riparian habitat is present on site, but the riparian habitat adjacent to the site is considered a sensitive natural community by CDFW. Riparian habitats are also considered sensitive by the City, and guidelines for their protection are detailed in the General Plan, AASP, and the Municipal Code. No direct impacts are proposed to riparian habitat; however, indirect impacts including riparian habitat degradation due to increased human visitation could occur as result of the project. The riparian habitat adjacent to the site is currently disturbed due to invasive plant species, thick eucalyptus leaf litter, and an existing level of human visitation. As a result, indirect impacts to riparian habitat would be less than significant.

Development of the project site and study area where project-related activities would occur would result in direct impacts to 0.12 acre of vernal marsh, a sensitive natural community associated with the potentially jurisdictional wetlands identified on the applicant-owned parcel, as well as the portion of the project site south of Tank Farm Road. The project would reconfigure the constructed basin containing the vernal marsh habitat. The vernal marsh community contains occupied habitat for special status plant species Congdon's tarplant and potential habitat for special status animal species western spadefoot. Impacts to vernal marsh would be potentially significant.

The vernal march is also considered a potentially federal and/or state protected wetland. Development of the project site would result in direct impacts to the wetland. Wetland features are regulated by the USACE, RWQCB, and CDFW, but the final jurisdictional determinations of the boundaries of wetlands, waters, and riparian habitat are made by each agency at the time that authorizations to impact such features are requested. The project could result in direct impacts to approximately 0.12 acre of wetland where the basin containing the wetland is proposed to be reconfigured. The new basin configuration would be determined upon completion of final project plans. Impacts to state and federally protected wetlands are potentially significant.

Mitigation Measures

The following mitigation measure would be required to address the potential impact to sensitive vernal marsh habitat.

BIO-2(a) Jurisdictional Delineation

If impacts to seasonal wetland habitat cannot be avoided, the applicant shall retain a qualified biologist to complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction of the USACE, RWQCB, and CDFW. The jurisdictional delineation shall be

conducted in accordance with the requirement set forth by each agency. The results shall be a preliminary jurisdictional delineation report that shall be submitted to the implementing agency/agencies, USACE, RWQCB, and/or CDFW, as appropriate, for review and approval as part of the permitting process.

Plan Requirements and Timing. The applicant shall submit the jurisdictional delineation report to the City prior to approval of grading and construction permits.

Monitoring. The City shall ensure that the jurisdictional delineation report has been completed.

BIO-2(b) Prepare a Habitat Mitigation and Monitoring Plan

A Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared which will provide a minimum 2:1 ratio (number of acres/individuals restored to number of acres/individuals impacted) for temporary and permanent impacts to vernal marsh. The HMMP will identify the specific mitigation sites and can be prepared in conjunction with the Special Status Plant Mitigation Plan. The HMMP will be implemented immediately following project completion. The HMMP shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values of the compensatory mitigation site);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including plant species to be used, container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 80 percent relative cover by vegetation type;
- An adaptive management program and remedial measures to address negative impacts to restoration efforts;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

Plan Requirements and Timing. The HMMP shall be prepared by the developer/applicant and shall be submitted for review and approval by the City prior to the approval of grading and construction permits. The applicant shall send annual documentation to the City demonstrating compliance with the HMMP requirements and status of mitigation area.

Monitoring. The City shall review and approve the HMMP for compliance prior to issuance of the grading permits and onset of construction. The replacement habitat shall be monitored by a qualified biologist for 5 years.

BIO-2(c) Agency Coordination

Impacts to wetlands as a result of the project are anticipated to require permits from CDFW, USACE, and/or RWQCB. The applicant shall comply with all applicable state and federal permitting requirements. The applicant shall obtain and produce for the City correspondence from applicable state and federal agencies indicating compliance of the proposed development with state and federal laws.

Plan Requirements and Timing. The applicant shall submit copies of correspondence and/or permits (as applicable) with applicable agencies to the City prior to approval of grading and construction permits.

Monitoring. The City shall confirm that the applicant has obtained all necessary permits and approvals. City compliance staff shall monitor and inspect to ensure that required measures are implemented during grading and construction of the project.

BIO-2(d) Wetland Mitigation

Impacts to federal and state wetlands (as defined by the Clean Water Act Section 404 and the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State) shall be mitigated at a minimum ratio of 2:1 (acres of wetlands created to acres of wetlands permanently impacted) to meet the performance standard of no net loss of wetland habitat. The mitigation program shall be developed by a qualified biologist and be incorporated into and conform with the requirements for the Habitat Mitigation and Monitoring Plan. The mitigation shall be implemented for no less than five years after construction or until the local jurisdiction and/or the permitting authority (e.g., USACE) has determined that restoration has been successful.

Plan Requirements and Timing. The applicant shall submit the HMMP to the City as well as the USACE, RWQCB, and/or CDFW (depending upon the agencies permitting authority over the project) for review and approval prior to issuance of grading permits. The applicant shall send annual documentation to the City demonstrating compliance with the HMMP requirements and status of mitigation area.

Monitoring. The City shall review and approve the HMMP for compliance prior to issuance of the grading permits and onset of construction. The replacement habitat shall be monitored by a qualified biologist for 5 years.

BIO-2(e) Jurisdictional Areas Best Management Practices During Construction

The following best management practices shall be required for grading and construction within jurisdictional areas or wetlands where impacts are authorized. In addition, the measures shall be required at locations where construction occurs within 100 feet from jurisdictional areas or wetlands.

- Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters (federal and state) including locating access routes and ancillary construction areas outside of jurisdictional areas.

- To control erosion and sediment runoff during and after project implementation, appropriate erosion control materials shall be deployed and maintained to minimize adverse effects on jurisdictional areas in the vicinity of the project.
- Project activities within the jurisdictional areas should occur during the dry season (typically between May 1 and September 30) in any given year, or as otherwise directed by the regulatory agencies. Deviations from this work window can be made with permission from the relevant regulatory agencies.
- During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
- All project-generated debris, building materials, and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
- Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering jurisdictional areas.
- All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.

Plan Requirements and Timing. These measures shall be implemented during grading and construction and shall be included on all land use, grading, and building plans. The applicant shall provide the City with documentation of compliance with the above measures in monthly reports.

Monitoring. City compliance staff shall periodically inspect to ensure compliance.

Significance After Mitigation

Mitigation Measure BIO-2(b) specifies preparation of a HMMP to provide compensatory mitigation to offset impacts to vernal marsh habitat. As a result, implementation of Mitigation Measure BIO-2(b) would reduce project impacts on sensitive natural communities to a less than significant level. Implementation of Mitigation Measures BIO-2(a) through BIO-2(e), together with requirements and conditions resulting from regulatory agency permitting would reduce construction-related impacts on wetland habitat to a less than significant level.

Threshold d:	Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Impact BIO-3 THE PROJECT WOULD HAVE AN ADVERSE EFFECT ON THE RIPARIAN WILDLIFE MOVEMENT CORRIDOR ASSOCIATED WITH ACACIA CREEK. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

The project site has low suitability for wildlife movement due to the existing level of disturbance and human activity. The riparian and eucalyptus habitats in the Acacia Creek channel adjacent to the site helps form a vegetated corridor with varied structure that is used by birds for nesting and foraging activities; however, the habitats within the corridor are disturbed and adjacent to existing development with a baseline of human presence, primarily due to the Damon-Garcia Sports Fields adjacent to the corridor. The proposed project would not affect the movement of native fish because no project elements would directly affect the Acacia Creek channel. The riparian corridor adjacent to the project is substantially disturbed and habitat for wildlife movement is low-quality and limited. However, operational impacts such as increased human activity along the bicycle/pedestrian path and within the development area could impact movement of wildlife and reduce breeding bird activity in the creek setback area and riparian habitat. Due to the existing low-quality and limited wildlife movement habitat and the existing baseline of human presence within the vicinity of the project site, wildlife movement would not be significantly diminished. Impacts to the riparian movement corridor are potentially significant.

Mitigation Measures

This impact would be less than significant, and no mitigation is required. Additionally, implementation of Mitigation Measures BIO-1 (j) and preparation of habitat restoration plans consistent with the requirements of Mitigation Measures BIO-2(a) through BIO-2(e), would further reduce project impacts to wildlife corridors on the project site

Threshold e:	Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Impact BIO-4 THE PROJECT WOULD NOT CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

The project would be required to comply with the City's Tree Ordinance and the Tree Regulations in Chapter 12.24 of the San Luis Obispo Municipal Code, which require compensatory tree planting for any existing trees removed. The project would not involve removal of trees in the riparian corridor of Acacia Creek. As described in Section 2, Project Description, the City zoning regulations require a 35-foot setback from the top of bank for new structures. The project requests a minimum setback of approximately 10 feet from the average top of bank for a bicycle/pedestrian path to connect to Damon-Garcia Sports Fields (and an average bike path of 20 feet) and a minor exception for a maximum 15-foot encroachment into the setback for portions of Buildings 6, 7 and 13 from the average top of bank. Zoning Regulations section 17.70.030 stipulates that an exception to the creek setback requirements may be considered where substantiated evidence is available that a project will result in better implementation of other Zoning Regulations or General Plan policies while allowing reasonable use of the site. As described in Impact BIO-2 and in the Biological Resources Assessment (Appendix D) the encroachment area would not significantly degrade the riparian corridor. The project proposes an increase in the riparian setback elsewhere along the corridor, with

a riparian setback that averages approximately 40 feet. Proposed building and landscape setbacks along Tank Farm Road range from 10 to 15 feet (including the public sidewalk in a pedestrian easement), and 5 to 15 feet along Santa Fe Road.

Mitigation Measures

This impact would be less than significant, and no mitigation is required.

d. Cumulative Impacts

As described in Section 3, Environmental Setting, a substantial amount of development is proposed, planned, or underway in the southeastern portion of San Luis Obispo including the San Luis Ranch Specific Plan, Avila Ranch Specific Plan, Margarita Area Specific Plan, AASP, Orcutt Area Specific Plan, and Froom Ranch Specific Plan. The mobile home park property adjacent to the subject property (650 Tank Farm Road) has approved entitlements for the development of residential mixed-use and assisted living facilities (San Luis Obispo 2019b). The property further to the east at the northwest corner of Tank Farm Road and Broad Street (660 Tank Farm Road) has been proposed to be redeveloped with an assisted living facility and retail commercial development. Under the Chevron Tank Farm Remediation and Development Project, business parks would be developed immediately to the west of the subject property and to the south of Tank Farm Road.

As discussed in Section 3.3, Cumulative Development, cumulative development in the City of San Luis Obispo includes approximately 4,039 residential units, 605 senior and assisted living units, 817 hotel rooms, 1.2 million square feet of commercial/business park development, and 17,703 square feet of a water resource facility. This cumulative development would have the potential to disturb biological resources.

Cumulative biological resource impacts in the City and surrounding areas include conversion of portions of City properties from undeveloped to developed uses, with resultant loss of open space and habitat, and regional increases in impervious surfaces and pollutant loading in the San Luis Obispo Creek watershed, night light, noise, and traffic associated with the increase in regional development. The project, in conjunction with other nearby planned, pending, and potential future projects would have the potential to adversely impact biological resources.

Cumulative impacts to biological resources are addressed on a project-by-project basis through site-specific investigations and surveys as well as the development of the assessment of potential impacts and prescription of appropriate mitigation. Mitigation Measures BIO-1(a) through BIO-1(k) include measures to reduce impacts to sensitive species with the potential to be impacted by the proposed project. Mitigation Measures BIO-2(a) through BIO-2(e) require a habitat mitigation and monitoring project and wetland mitigation to reduce impacts to sensitive plant communities and protected wetlands. Implementation of these mitigation measures would reduce the project's contribution to cumulative biological resources impacts. The majority of the project site is disturbed. The limited high quality open space and habitat along the Acacia Creek corridor and in the northern and southeastern portions of the property would be conserved, and potential impacts to biological resources in these locations would be mitigated to a level below applicable thresholds of significant. Therefore, with the implementation of required mitigation measures, the project's contribution to the cumulative loss of habitat and other cumulative impacts to biological resources would be less than significant.

4.3 Cultural Resources and Tribal Cultural Resources

This section describes existing conditions and regulatory setting for cultural and tribal cultural resources in the project area and assesses potential impacts to these resources that could result from implementation of the proposed project. The analysis of cultural resources and tribal cultural resources is based on the findings of the Archaeological Resources Inventory (ARI), or Phase 1 archaeological investigation reports, prepared for the project by Applied EarthWorks in 2020 and Rincon Consultants in 2021. The 2020 ARI analyzed the project components located on APNs 053-421-002 and 053-421-006. The 2021 ARI analyzed off-site transportation improvements which were subsequently included as part of the project. The ARIs contain confidential cultural resources information and are therefore not available for public review. Their findings are summarized in this section, and the reports can be provided upon request to qualified cultural resource specialists and Native American tribal representatives.

Cultural resources, as defined in CEQA Section 15064.5, include prehistoric and historic archaeological resources, and historic-period resources (buildings, structures, area, place, or objects).

Tribal cultural resources are defined in PRC Section 21074 as:

1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (a) included or determined eligible for inclusion on the California Register of Historical Resources, or (b) included in a local register of historical resources
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant tribal cultural resources.

4.3.1 Environmental Setting

a. Prehistoric and Ethnohistoric Setting

Archaeological resources reflect past human activity spanning from prehistoric Native American cultures through the early twentieth century.

The San Luis Obispo region was prehistorically occupied by the Chumash. The Chumash were a diverse population living in settlements along the California coast from Estero Bay in the north to Malibu Creek in the south, and from Tejon Pass, Lake Casitas and the Cuyama River inland to the islands of San Miguel, Santa Rosa, and Santa Cruz. Chumash society became increasingly complex over the past 10,000 years (Wallace 1955, Warren 1968). The prehistory, ethnography, and history of the region are described below.

Prehistory

Early attempts at regional cultural chronology by Rogers (1929) and Olson (1930) divided prehistory into three periods. However, extensive archaeological studies conducted in the last 80 years and development of more precise dating methods have allowed many refinements to the San Luis Obispo cultural sequences. Currently, the most common chronological system—based on work by Erlandson and Colten (1991), Jones and Ferneau (2002), Jones et al. (2007), King (1990), and Jones et al. (2015)—divides Central Coast prehistory into six periods.

Paleo-Indian Period (Pre-10,000 cal B.P.)

The Paleo-Indian Period represents the earliest human occupations in the region, which began prior to 10,000 years ago. Paleo-Indian sites throughout North America are known by the representative fluted projectile points, crescents, and large bifaces used as tools as well as flake cores and a distinctive assemblage of small flake tools. Only three fluted points have been reported from Santa Barbara and San Luis Obispo counties, and all are isolated occurrences unassociated with larger assemblages of tools or debris (Erlandson et al. 1987; Gibson 1996; Mills et al. 2005). More evidence of Paleo-Indian sites on the mainland is slowly being discovered.

Both offshore and mainland sites provide clear evidence of watercraft use by California's earliest colonizers, and also offer evidence of pre-Clovis occupations. Overall, inhabitants of the Central Coast during the Paleo-Indian Period are thought to have lived in small groups with a relatively egalitarian social organization and a forager-type land-use strategy (Erlandson 1994; Glassow 1996; Greenwood 1972; Moratto 1984).

Early Archaic Period (10,000-5500 cal B.P.)

Additional evidence of human occupation has been found at sites dating to the Early Archaic. A growing number of Early Archaic components have been identified, mostly in coastal or pericoastal settings. The most common artifacts in these assemblages are the characteristic milling slabs and handstones used to grind hard seeds and process other foodstuffs. Choppers, core tools, and large bifaces also are common, while side-notched dart points, pitted stones, simple bone awls, bipointed bone gorges, and possible eccentric crescents occur in lesser frequencies. Population density likely remained low, although settlements may have been semipermanent. Subsistence activities appeared to be aimed broadly at a diverse spectrum of terrestrial and marine resources.

During this time, people appear to have subsisted largely on plants, shellfish, and some vertebrate species using a seemingly simple and limited tool technology. Sites of this age are notable for the prevalence of handstones and milling slabs and less abundant flaked tools and projectile points (Jones et al. 2007). Archaeological components from central California show substantial regional variability. Differences in site location, artifact assemblages, and faunal remains suggest that populations were beginning to establish settlements based on the local environment and adopt subsistence practices responsive to local conditions.

Early Period (5500-2600 cal B.P.)

An important adaptive transition occurred along the Central Coast around 5500 cal B.P. (Jones et al. 2007; Price et al. 2012). Technological changes marking the transition into the Early Period include an abundance of contracting-stemmed, square-stemmed, large side-notched, and other large projectile points (Jones et al. 2007:138). Mortars and pestles were introduced and gradually replaced manos and milling slabs as the primary plant processing tools, indicating expansion of the subsistence base to include acorns (Glassow and Wilcoxon 1988). Shell beads and obsidian materials indicate that trade between regions expanded (Jones et al. 1994). Site occupants appear more settled with more limited mobility, and they increasingly used sites for resource procurement activities such as hunting, fishing, and plant material processing (Jones et al. 1994:62; Jones and Waugh 1995:132).

Middle Period (2600-950 cal B.P.)

The Middle Period is defined by continued specialization in resource exploitation and increased technological complexity. Contracting-stemmed points still existed, while square-stemmed and large side-notched variants disappeared (Rogers 1929). The use of mortars and pestles also increased. Additionally, expansion of trade is evident in the increased quantity of obsidian, beads, and sea otter bones (Farquhar et al. 2011:15). Circular shell fishhooks, which facilitated an increase in exploitation of fishes, appeared for the first time (Glassow and Wilcoxon 1988). The appearance of small leaf-shaped projectile points toward the end of the period is evidence for the arrival of bow and arrow technology (Jones et al. 2007:139).

Middle-Late Transition Period (950-700 cal B.P.)

The Middle-Late Transition Period represents a rapid change in artifact assemblages as large numbers of arrow points appeared and most stemmed points disappeared (Jones et al. 2007:139). Hopper mortars are first seen in the archaeological record (Farquhar et al. 2011:16). At the same time, some evidence points to population decline and interregional trade collapse. Settlement shifted away from the coast and people relocated to more interior settings (Jones 1995:215). Marine resources appear to have been largely absent from the diet, and instead people relied more on terrestrial resources such as small mammals and acorns (Farquhar et al. 2011:16). These changes may have been caused by an environmental shift that caused increased sea and air temperatures, resulting in decreased precipitation and overexploitation of resources (Arnold 1992; Graumlich 1993; Kennett et al. 1997; Pisias 1978; Stine 1990).

At the same time, it appears that social complexity was more evident during the transition between the Middle and Late periods. During this transition craft specialization and social ranking developed (Arnold 1992). The *tomol* (plank canoe) allowed for a greater reliance on marine resources, particularly fish, for food.

Late Period (700 cal B.P.-Historic)

Populations on the Central Coast expanded in the Late Period (Farquhar et al. 2011:17; Glassow 1996). More sites were occupied during this period than ever before (Jones et al. 2007:143). It appears that the inhabitants of the Central Coast used a range of subsistence strategies depending on the availability of local resources. Some studies have found that Late Period residents did not increase maritime subsistence activities but instead continued to demonstrate a terrestrial focus with occasional excursions to the coastal zone to procure marine products (Farquhar et al. 2011:17; Jones et al. 2007:140; Price 2005; Price et al. 1997:4.13–14.14). However, archaeological investigations at Late Period coastal sites along the Central Coast show evidence of intensification of marine resource use and overall expansion of the subsistence base (Codding et al. 2013; Enright 2010; Joslin 2010; Moratto et al. 2009).

Artifact assemblages from the Late Period within San Luis Obispo County contain an abundance of arrow points, small bead drills, bedrock mortars, hopper mortars, and a variety of bead types (Price 2005). More shell and stone beads appeared in the Late Period and became a more standardized and common form of exchange (Jones et al. 2007:140, 145). The use of handstones and milling slabs continued during this period, but pestles and mortars occurred in greater proportions (Jones and Waugh 1995:121). In San Luis Obispo County, it appears that the absence of the *tomol* and a lower population density contributed to a different social and political organization than their neighbors to the south. Moreover, the absence of imported obsidian after 900 cal B.P. suggests a change in trade relationships that is likely associated with the shift in settlement patterns (Jones et al. 1994).

Ethnography

The project lies within the ethnographic territory of the Chumash, one of the most populous and socially complex Native American groups in California. Chumash is a name derived from traditional Barbareño Chumash language that is used by anthropologists to refer to several closely related groups of Native Americans that spoke seven similar languages (Milliken 2010). The Chumash people lived between Malibu in Los Angeles County and the boundary of San Luis Obispo County and Monterey County, on the northern Channel Islands, and east as far as the western edge of Kern County.

Ethnographically, the Chumash people lived in large villages along the Santa Barbara Channel coast, with less dense populations in the interior regions, on the Channel Islands, and in coastal areas north of Point Conception. Population density was unusually high for a nonagricultural group; some villages may have had as many as 1,000 people (Keeley 1988). Subsistence was focused on fishing, hunting, and gathering native plants, particularly acorns, although many animals and dozens of plants were used for food. Chumash people engaged in craft and occupational specialization, and they maintained regional trade and religious systems that tied many villages together. Leadership was hereditary, and some chiefs had influence over several villages, indicating a simple chiefdom level of social organization (Arnold 1992; Johnson 1988).

The Chumash were hunter-gatherer-fishers who relied on a variety of resources for subsistence and raw materials. There was considerable seasonal and regional variability in land use, settlement, and subsistence practices across Chumash territory—people who lived near the coast focused animal procurement activities on the marine environment, while those north of Point Conception and in the interior regions were more terrestrially focused and are thought to have had lower population densities and greater seasonal mobility than coastal groups (Landberg 1965).

The project site is located within the ethnohistoric territory of the Northern (Obispeño) Chumash (Milliken 2010). Disagreements exist regarding the boundaries of this geographic and linguistic subarea; however, most researchers believe Northern Chumash territory extended from the Santa Maria Valley in the south to Cayucos in the north and east to the Carrizo Plain (Greenwood 1978; Jones et al. 2012; Lichtenstein et al. 2014).

b. Historical Setting

The first Europeans the Chumash encountered were Spanish explorers in the sixteenth century. In 1587, Pedro de Unamuno landed his ship in Morro Bay and explored inland to the future site of modern San Luis Obispo. The Gaspar de Portolá expedition likely passed through the future site of Oceano in 1769, and Juan Bautista de Anza followed practically the same route as Portolá in 1774 and 1776 (Hoover et al. 1990:359).

Mission San Luis Obispo de Tolosa was founded in 1772 by Padre Junipero Serra. In 1776, Northern Chumash damaged the mission buildings by shooting burning arrows into the roofs thatched with tule (Hoover et al. 1990:360). In 1803 there were 919 Native Americans residing at the mission, but the native population declined rapidly and was only 170 in 1838. According to the Roll of 1928, compiled by the Bureau of Indian Affairs, only four Native Americans living at the time claimed to be survivors of San Luis Obispo Mission Indians (Greenwood 1978:521).

After the mission was secularized in 1835, mission lands were divided into land grants and influential families were given the largest grants (Morrison and Haydon 1917:35). The Bear Flag Revolt, which occurred in 1846, resulted in California's independence from Mexico and control of the territory soon fell into the hands of the United States (Krieger 1988). Rancho owners soon

discovered the need to defend their title in U.S. courts, a process that would last over a decade for some petitioners, and push many of them into financial hardship.

When California achieved statehood in 1850, Southern California was seen as a wild, untamed country full of lawlessness. As a result, the population of newly formed San Luis Obispo County grew slowly. The 1850 census listed 336 residents. The population of San Luis Obispo County would remain relatively unchanged throughout the 1850s when Henry Miller observed 150 houses inhabited primarily by Native Americans and Mexicans in the area (Miller 1985).

Historic Context

Towards the end of the nineteenth century San Luis Obispo began to grow. The arrival of the Southern Pacific Railroad brought new commerce, jobs, the people to fill them, and homes to house them (Historic Resources Group 2013). The railroad also spurred industry and linked San Luis Obispo to Port Harford and other local railways.

Petroleum and San Luis Obispo Tank Farm

The petroleum industry started in the 1860s but did not become a major industry in California until the 1920s at which time petroleum refineries became one of California's largest manufacturing sectors (Breschini et al. 1983). In 1906 San Luis Obispo County received its first oil pipeline. The pipeline, built by Union Oil, connected oilfields in Santa Maria to Port Harford (later renamed Port San Luis) in Avila Beach. With the growth of oil production in the San Joaquin Valley, Union Oil forged an alliance with Independent Oil Producers Agency forming a syndicate called the Producers Transportation Company in 1909. They constructed a 2,450-mile-long pipeline from the San Joaquin Valley to Port San Luis, which was the largest pipeline project prior to World War I (Krieger 1988).

In 1910 Union Oil recognized the need to temporarily store oil prior to shipment and announced plans of building a large oil storage facility that would later be called San Luis Obispo Tank Farm. San Luis Obispo Tank Farm contained the largest concrete oil storage tanks in the world with two tanks holding a capacity of 1 million barrels of oil each. The tank farm was the largest construction undertaking for an oil storage facility at the time, requiring 250 head of horses and 100 teamsters and laborers (*San Luis Obispo Morning Tribune* 1910). By 1926 San Luis Obispo Tank Farm consisted of 6 concrete reservoirs and 30 steel storage tanks with a total capacity of 6.5 million barrels of oil (Denardo and Greenlee 2013).

On April 7, 1926, a thunderstorm caused lightning strikes at the tank farm causing both of the million-barrel reservoirs to ignite. The fire quickly spread to all six reservoirs and all but five storage tanks. In total over 1.3 million barrels of oil were lost due to the fires and a substantial amount of oil flowed into the creek and made its way to the Pacific Ocean (*San Luis Obispo Daily Telegram* 1926a, 1926b).

Once the fires were extinguished reconstruction of the tank farm began immediately with new safety measures. The tank farm remained in operation until a new pipeline was constructed from the San Joaquin Valley to San Francisco in the 1950s. In the 1970s the facility was shut down, and in the 1990s all but one structure was demolished (Denardo and Greenlee 2013).

Mining and Stone Quarries

San Luis Obispo County experienced a brief flurry of gold mining activity in the late 1860s and early 1870s, but the most important resource was cinnabar, and quicksilver mining constituted the county's preeminent industry (Baloian and Carr 2009). Stone quarries including serpentine, marble,

limestone, volcanic tuff, and sandstone also date to the mid-nineteenth century in San Luis Obispo County (Perazzo 2011). Serpentine outcroppings are common in San Luis Obispo County. Rock from other volcanic quarries was used in the construction of the Southern Pacific Railroad near the City.

Project Area History

Archival research shows that Agostini Ferrini and his daughters Augstina Catherine Kustel and Celia Margaret Martin sold the land in the project area to Union Oil in June 1926, following the devastating tank farm fire (First American Title 2020a). Aerial photography does not show the quarry within the project area at this time but does show the tank farm on the adjacent parcel to the east. Earthen oil containment berms are also in place along Acacia Creek during this period. In 1939, Union Oil divided the project area into two parcels and sold the northern parcel (APN 053-421-002) to Carl and Elsa Goetsch who were dairy farmers and owned the land between Acacia Creek and Broad Street, or Edna Road as it was known then (*San Luis Obispo Daily Telegram* 1922).

In 1959, the Goetsch family sold the parcel to the O'Kelley family (First American Title Company 2020a). The O'Kelley's ran O'Kelley and Sons, a local construction company that started out selling gravel and later expanded into construction and equipment rentals. In 1965, the O'Kelley's applied to move their operations from Broad Street to the project area and construct a repair shop and office (*San Luis Obispo Telegram-Tribune* 1965). However, the repair shop and office were never built. Later advertisements from the company list their offices at 245 Tank Farm Road, near South Higuera Street, and in 1971 the City revoked the permit allowing for the buildings in the project site (*San Luis Obispo Telegram-Tribune* 1971). However, the quarry was being actively mined by the O'Kelley's in the 1960s. The O'Kelley family sold the land to Clyde and Bertha Evans in 1976 (First American Title Company 2020a).

As mentioned above, Union Oil sold the northern parcel in 1939 and retained the southern parcel (APN 053-421-006). Earthen berms bisect the southern parcel, acting as a containment feature for the oil storage tank to the east. The facility shut down in the 1970s and most structures were demolished in the 1990s. Union Oil owned the land until 2005 (First American Title 2020b).

c. Documented Archaeological and Historical Resources

As part of the 2020 ARI prepared for APNs 053-421-002 and 053-421-006, the Central Coast Information Center (CCIC) at the University of California, Santa Barbara conducted a search of the CHRIS records on February 10, 2020. A supplemental records search was conducted on May 3, 2021 as part of the 2021 ARI. The searches were conducted to identify previous cultural resource studies and previously recorded cultural resources (prehistoric or historic-period) within the project site and the immediately surrounding vicinity. The 2020 ARI included a 0.25-mile radius surrounding APNs 053-421-002 and 053-421-006and the 2021 ARI included a 0.50-mile radius extending from the boundary of the required offsite roundabout and roadway frontage improvements along Tank Farm Road and Santa Fe Road. Background research also included a review of the State Historic Property Data Files, National Register of Historic Places (NRHP), National Register Determined Eligible Properties, California Points of Historical Interest, and California Office of Historic Preservation Archaeological Determinations of Eligibility, and Applied EarthWorks' and Rincon's in-house files.

Altogether, the records searches identified seven previous cultural resource studies within the project site, and 49 studies within 0.50 mile of the project site. Applied EarthWorks identified one additional report and Rincon identified another additional report within 0.50 mile of the project site during searches of their in-house records. Ten previously recorded cultural resources were identified within 0.50 mile of the project site, one of which is within the project site: the Unocal or

Union Oil Company Tank Farm (CA-SLO-2617H). The summary below is derived from both of the ARIs prepared for the project.

The following studies identified through the records search included a portion of the project area:

- Harversat and Breschini (1981a) conducted a Phase 1 survey in support of construction of nine early warning sirens. A portion of the survey crossed the project area along Tank Farm Road.
- Denardo and Greenlee (2012a) conducted a Phase 1 survey of the Cadwell Quarry area and covered the northwestern section of the project area; no cultural materials were identified.
- Jones and McKenzie (2006) conducted a Phase 1 survey of a portion of Tank Farm Road, including portions of the tank farm property with permission from Unocal. They noted the landscape bordering Tank Farm Road consisted of heavily altered and modified soils; ground cover was relatively dense in much of the area; and surface visibility was limited. The survey did not identify any archaeological materials or historic properties within the current project site.
- Maki (2004) conducted a Phase 1 survey of a portion of Tank Farm Road for a Caltrans study for the Tank Farm Road Safety and Operational Improvements Project. In consultation with Caltrans, Maki exempted an earthen berm and a brick wall located on the north side of the road from evaluation for potential historic significance. On the south side of the road, two earthen berms and pieces of marine shell were observed which were considered insignificant finds and were also not evaluated.
- Engineering Science, Inc. (1988) completed an Environmental Impact Report for the San Luis Obispo County Draft Hazardous Waste Management Plan. The large study area included the current project site, but further details about the report are unknown.
- Conway (2008) conducted a Phase 1 survey of the Unocal (or Union Oil Company) Tank Farm property including the western and southern areas of the current project site. Conway recorded the property as a single archaeological site with specific areas containing significant concentrations of cultural resources. Features 26 and 27 (a 6-foot by 6-foot concrete pad and a group of bricks, respectively) were recorded along the south side of Tank Farm Road, and appear to be within the current project site. Numerous isolates were recorded along the north side of Tank Farm Road, and also appear to be within the current project site. Conway recommended Phase 2 archaeological testing to determine boundaries of the features, their cultural significance under CEQA, existence of prior impacts, and degree of preservation. Conway noted the Unocal Tank Farm archaeological site showed strong potential for significance and parts of the site could be eligible for listing in the NRHP.
- Denardo and Greenlee of Garcia Associates (2011, 2012, 2013 and 2015) conducted Phase 2 subsurface testing and evaluations, and Phase 3 data recovery excavations at the Unocal (or Union Oil Company) Tank Farm. Efforts included excavation and evaluation of 36 features and seven groups of isolates. Denardo and Greenlee (2013) found that although the site is eligible for inclusion in the NRHP, not all features were considered significant (Applied EarthWorks 2020:20). Feature 26, Feature 27 and Isolate Group 7, mapped near Tank Farm Road, appear to be within the current project site. Feature 26 (a 6-foot square concrete pad) was not tested and was presumed to be eligible for the NRHP and CRHR as a contributor to CA-SLO-2617H. Feature 27, described as a large brick scatter with historic artifacts measuring 65.6 feet by 88.5 feet, was found to have the potential to yield information important to the potential ranching use of the property (NRHP Criterion D and CRHR Criterion 4) (Greenlee 2012; Garcia and Associates 2015). Isolate Group 7 was found to not be a significant resource and did not require further study

(Greenlee 2011 and 2012). Garcia and Associates conducted Phase 3 data recovery excavations at Feature 27 and prepared a site record update (Garcia and Associates 2015).

The following studies occurred immediately adjacent to the project area:

- Maki (2000) conducted Phase 1 and Extended Phase 1 surveys at CA-SLO-1427, adjacent to the northern boundary of the project area, in support of the Damon-Garcia Sports Complex Project; and Singer (2000) then evaluated CA-SLO-1427.
- Denardo and Greenlee (2012b) conducted a Phase 1 survey of five acres of the quarry area, adjacent to the northern boundary of the project area.
- Szromba and Duran (2018) conducted a cultural resources study for 650 Tank Farm Road, located across the creek east of the current project site. The study did not identify any cultural resources within the project site, but based on the presence of cultural resources in the surrounding area, the project site's proximity to water , and poor visibility during the field survey, Extended Phase I testing was recommended if any earth-disturbing activities were proposed along the northern portion of the project site within an approximately 100-foot radius of the drainage, or in the northern potential off-site access improvement area. Although the final report has been submitted to the CCIC, it has not yet been processed by CCIC staff.

The Chevron Tank Farm Remediation and Development project is west of and adjacent to the project site. That project's 2011 Final EIR (Chevron Final EIR) was reviewed for cultural resources information. The Chevron Final EIR concluded the entire Chevron (formerly Unocal) Tank Farm project site was a significant historical resource (CA-SLO-2617H) eligible for the CRHR under Criterion 1 for its critically important role in the early development of the oil industry in California, and for its association with the 1926 fire, one of the most significant disasters in the history of oil development in the state. The site's period of significance was identified as 1910 to 1950. This historical association is reflected in remnants of the tanks and reservoirs that portray the site's original function and reflect the property's initial industrial development, growth, operation and near destruction by the fire (identified as Features 58 through 72 in the Chevron Final EIR). In addition, the Chevron Tank Farm was recommended eligible for the CRHR under Criteria 1 and 4 for its association with the theme of early ranching and agriculture. The period of significance for that theme was identified as 1870 to 1910, and, as a result of archaeological testing and evaluation, it was found that Features 21 and 27 (historic period trash dump and brick scatter, respectively) on the property embody the significant qualities of the site within that context (San Luis Obispo 2013). A Phase 3 archaeological data recovery program for Features 21 and 27, and Historic American Engineering Record documentation of Features 58 through 72 were required. Based on available data, it appears the Chevron Tank Farm Remediation and Development project is underway and it is assumed Features 58 through 72 have been removed from the Chevron Tank Farm property since the preparation of the Chevron Final EIR.

Cultural Resources

Pedestrian surveys of the project site were conducted by Applied EarthWorks on March 2, 2020 as part of the 2020 ARI and Rincon on April 22, 2021 as part of the 2021 ARI. Applied EarthWorks surveyed the two parcels comprising the 600 Tank Farm Road property, which, at the time of the survey, were being used as a landscaping laydown yard, car storage area, and repurposed wood storage area. Surface visibility was less than 5 percent due to past quarrying and grading activities. Fill gravel covered approximately 95 percent of the surface. No prehistoric cultural materials were observed. Two historic-period cultural resources were noted: a portion of a stone quarry and an

earthen berm. These were recorded and evaluated for historical significance and are described further below.

Stone Quarry (AE-4147-01H)

A historic-period stone quarry is located in the northwestern portion of the project site and covers a roughly 580 by 105-foot area. It is a surface gravel pit quarry excavated out of a serpentine bedrock outcrop which was used periodically between the 1930s and 1970s. The area immediately surrounding the quarry in the project site has been modified for storage. The quarry crosses into three other parcels north and east of the project site. No remnants of structures or surface artifacts related to past quarry operations were found during the survey. The quarry was recorded and evaluated for listing in the CRHR and local designation. No associations with significant events, trends or persons were identified (CRHR Criteria 1 and 2). The quarry does not embody distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components lack individual distinction (CRHR Criterion 3). The quarry is not expected to yield information important to history (CRHR Criterion 4). As a result, the quarry was recommended ineligible for listing in the CRHR. In addition, the quarry was evaluated for local designation using the City Archaeological Resource Preservation Program Guidelines (ARPPG) significance criteria. The quarry is not listed on the City's Master List or Contributing List of Historic Resources; is not eligible for listing on a local, state, or national register; is not within a designated historic district; and does not exemplify noteworthy aspects of cultural, social, economic, political, aesthetic, engineering, or architectural development at the local, state, or national level. As a result, Applied Earthworks concluded the quarry is not significant under any of the City ARPPG criteria and is not a significant historical resource for the purposes of CEQA (Applied EarthWorks 2020).

Earthen Berm (AE-4147-02H)

A remnant of a small, isolated earthen berm is located at the southeastern edge of the project site next to Acacia Creek. The berm was constructed by Union Oil as part of the San Luis Obispo Tank Farm. Although its exact construction date is unknown, aerial imagery indicates it was constructed sometime before 1937. The berm was used to contain potential oil spills at the San Luis Obispo Tank Farm from flowing into Acacia Creek. The berm was recorded as an isolated feature and evaluated for listing in the CRHR and local designation. No associations with significant events, trends or persons were identified (CRHR Criteria 1 and 2). The berm does not embody distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components lack individual distinction (CRHR Criterion 3). The berm has not yielded and is not expected to yield information important to history (CRHR Criterion 4). As a result, the berm was recommended ineligible for listing in the CRHR. In addition, the berm was evaluated for local designation using the City ARPPG significance criteria. The berm is not listed on the City's Master List or Contributing List of Historic Resources; is not eligible for listing on a local, state, or national register; is not within a designated historic district; and does not exemplify noteworthy aspects of cultural, social, economic, political, aesthetic, engineering, or architectural development at the local, state, or national level. As a result, Applied Earthworks concluded the berm is not significant under any of the City ARPPG criteria and is not a historical resource for the purposes of CEQA (Applied EarthWorks 2020). Other similar berms located south of the project on the San Luis Obispo County Regional Airport property were evaluated in 2005 and found ineligible for listing in the CRHR, a finding which received State Historic Preservation Officer (SHPO) concurrence in 2006.

Rincon surveyed the accessible portions of the off-site transportation improvements, including both shoulders of Tank Farm Road and portions of the adjacent Chevron properties to the north and south. Due to access issues on the Chevron-owned property, the pedestrian survey was conducted primarily from the Tank Farm Road right-of-way and from the western property line of the 600 Tank Farm Road parcel. The accessible areas that were surveyed were heavily vegetated and soil appeared to be greyish brown sand. Ground visibility was approximately 5 percent. Feature 26 and Feature 27 of the Unocal Tank Farm site were not moved to a different place, and no cultural resources were identified.

d. Native American Scoping

As part of the 2020 ARI prepared for the project, Applied EarthWorks contacted the Native American Heritage Commission (NAHC) on February 10, 2020 requesting a search of the Sacred Lands File (SLF) and contact information for tribal representatives in the project area. The NAHC responded on March 12, 2020, stating that its search of the SLF was positive; however, the 2020 ARI text indicates the SLF search "failed to identify the presence of Native American traditional sites/places in the immediate project area" (Applied EarthWorks 2020). The NAHC provided a contact list of local Native American individuals and groups with interests and knowledge about the area and suggested they be contacted for additional information. Applied EarthWorks sent letters to the individuals on the contact list on March 12, 2020 and initiated follow-up phone calls on March 14, 2020. The following responses were received:

- Elenor Arrellanes of the Barbareño/Ventureño Band of Mission Indians deferred to Mona Tucker of the *yak titʸu titʸu yak tiłhini* – Northern Chumash Tribe.
- Mona Tucker of the *yak titʸu titʸu yak tiłhini* – Northern Chumash Tribe expressed concerns for both cultural and environmental resources and requested further studies be conducted where ground disturbance will occur within 50 feet of Acacia Creek.
- Fred Collins of the Northern Chumash Tribal Council also requested further cultural resource investigations be conducted where footings will be dug within 50 feet of the creek.
- Fred Segobia of the Salinan Tribe of Monterey and San Luis Obispo Counties requested monitoring of all ground-disturbing activities.

As part of the 2021 ARI prepared for the project, Rincon contacted the NAHC on April 15, 2021, described the expanded study area, and requested a supplemental review of the SLF. The NAHC responded on April 29, 2021 stating the results of the search were positive.

e. AB 52 and SB 18 Tribal Consultation

The City of San Luis Obispo initiated formal Native American consultation pursuant to the requirements of Assembly Bill (AB) 52 (Public Resources Code Section 21080.3.1) and Senate Bill (SB) 18 (Government Code 655352.3). The City contacted nine tribal representatives who had previously requested notification by the City for all CEQA projects, offering an opportunity to consult with the City on the potential effects of the project on tribal cultural resources. Letters were sent on January 8, 2021 and tribal representatives had 30 days from receipt of the City's letter to request consultation. The City sent letters to Chairman Kenneth Kahn, Santa Ynez Band of Chumash Indians; Chair Julie Tumamait-Stenslie, Barbareño/Ventureño Band of Mission Indians; Tribal Representatives John Burch and Fred Segobia, Salinan Tribe of San Luis Obispo, Monterey and San Benito Counties; Chairperson Karen White, Xolon-Salinan Tribe; Chair Mona Olivas Tucker and Wendy Lucas of the *yak titʸu titʸu yak tiłhini* – Northern Chumash Tribe; Spokesperson Fred Collins,

Northern Chumash Tribal Council; Chairperson Julio Quair, Chumash Council of Bakersfield; Chairperson Gino Altamirano, Coastal Band of the Chumash Nation; and Chief Mark Virgil, San Luis Obispo County Chumash Council. Responses were received from the Northern Chumash Tribal Council on December 16, 2020 requesting monitoring for ground-disturbing activities on the site, Santa Ynez Band of Chumash Indians on March 22, 2021 stating that no further consultation is required for this project, and the Salinan Tribe March 26, 2021 requesting formal consultation on the project. City staff is coordinating with the Salinan Tribe for further consultation alongside preparation of this EIR.

To address the inclusion of the required roundabout and roadway frontage improvements along Tank Farm Road and Santa Fe Road, the City of San Luis Obispo has initiated additional formal Native American consultation with the nine tribal representatives.

4.3.2 Regulatory Setting

Cultural and tribal cultural resources are governed by federal, state, and local laws that are applicable to the proposed Project's development, which are summarized below.

a. Federal Regulations

National Register of Historic Properties

The National Register of Historic Places (NRHP) was established by the National Historic Preservation Act (NHPA) of 1966 as "an authoritative guide to be used by federal, state, and local governments, private groups, and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment" (CFR 36 CFR 60.2). The NRHP recognizes properties that are significant at the national, state, and local levels. To be eligible for listing in the NRHP, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must also possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it is significant under one or more of the following criteria:

Criterion A: It is associated with events that have made a significant contribution to the broad patterns of our history

Criterion B: It is associated with the lives of persons who are significant in our past

Criterion C: It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction

Criterion D: It has yielded, or may be likely to yield, information important in prehistory or history

b. State Regulations

California Register of Historical Resources

The California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21084.1) requires that a lead agency determine whether a project could have a significant effect on

historical resources. A historical resource is a resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR) (PRC Section 21084.1), a resource included in a local register of historical resources (PRC Section 15064.5[a][2]), or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (PRC Section 15064.5[a][3]).

PRC Section 5024.1 requires an evaluation of potential historical resources to determine their eligibility for listing in the CRHR. The purpose of the register is to maintain listings of the state's historical resources and to indicate which properties are to be protected from substantial adverse change. The criteria for listing resources in the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP. Criteria for determination of significant impacts to historical, cultural, and archaeological resources, including criteria for consideration of a resource as "historically significant" under CRHR, are described in Section 4.5.3(a), Methodology and Significance Thresholds.

PRC, Section 21083.2(g) defines a unique archaeological resource as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it does one or more of the following:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person

Impacts to significant cultural resources that affect the characteristics of any resource that qualify it for the NRHP or adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired (CEQA Guidelines, Section 15064.5 [b][1], 2000). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion or eligibility for inclusion in the CRHR (CEQA Guidelines, Section 15064.5[b][2][A]).

Assembly Bill 52 (AB 52)

As of July 1, 2015, California Assembly Bill 52 (AB 52) was enacted and expands CEQA by establishing a formal consultation process for California tribes within the CEQA process. The bill specifies that any project that may affect or cause a substantial adverse change in the significance of a tribal cultural resource would require a lead agency to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." According to the legislative intent for AB 52, "tribes may have knowledge about land and cultural resources that should be included in the environmental analysis for projects that may have a significant impact on those resources." Section 21074 of AB 52 also defines a new category of resources under CEQA called "tribal cultural resources." Tribal cultural resources are defined as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is either listed on or eligible for the CRHR or a local historic

register, or if the lead agency chooses to treat the resource as a tribal cultural resource. See also PRC 21074 (a)(1)(A)-(B).

In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments and with respect to the interests and roles of project proponents, it is the intent AB 52 to accomplish all of the following:

1) Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities
2) Establish a new category of resources in CEQA called "tribal cultural resources" that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation
3) Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible
4) Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated (Because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources)
5) In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, early in the CEQA environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision-making body of the lead agency
6) Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA
7) Ensure that local and tribal governments, public agencies, and project proponents have information available, early in CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process
8) Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources
9) Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment

Senate Bill 18 (SB 18)

Passed in 2004, Senate Bill 18 (SB 18) requires cities and counties to consult with Native American tribes to help protect traditional tribal cultural places through the land use planning process. Unlike AB 52, SB 18 is not an amendment to, or otherwise associated with, CEQA. Instead, SB 18 requires

cities and counties to consult with Native American tribes early during broad land use planning efforts on both public and private lands, prior to site- and project-specific land use decisions. The bill applies to general plan adoption or amendments and to specific plan adoption or amendments.

A Native American tribe is defined as "a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission" (California Governor's Office of Planning and Research 2005). Traditional tribal cultural places are defined in PRC Sections 5097.9 and 5097.993 to include sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines, or any historic, cultural, or sacred site that is listed on or eligible for the CRHR including any historic or prehistoric ruins, burial grounds, or archaeological site (California Governor's Office of Planning and Research 2005).

Under SB 18, cities and counties must notify the appropriate Native American tribe(s) of intended adoption or amendments to general plans or specific plans and offer the opportunity for the tribe(s) to consult regarding traditional tribal cultural places within the proposed plan area. Consultation is intended to encourage preservation and protection of traditional tribal cultural places by developing treatment and management plans that might include incorporating the cultural places into designated open spaces (California Governor's Office of Planning and Research 2005).

Codes Governing Human Remains

The disposition of human remains is governed by Health and Safety Code Section 7050.5 and PRC Sections 5097.94 and 5097.98 and falls within the jurisdiction of the NAHC. If human remains are discovered, the County Coroner must be notified within 48 hours and there should be no further disturbance to the site where the remains were found. If the remains are determined by the coroner to be Native American, the coroner is responsible for contacting the NAHC within 24 hours. The NAHC, pursuant to PRC Section 5097.98, will immediately notify those persons it believes to be most likely descended from the deceased Native Americans so they can inspect the burial site and make recommendations for treatment or disposal.

c. Local Regulations

City of San Luis Obispo Archaeological Resource Preservation Program Guidelines (ARPPG)

Adopted in 2009, the Archaeological Resource Preservation Program Guidelines (ARPPG) provide direction for the identification, evaluation, and treatment of archaeological resources and Native American sacred places and cultural landscapes within the City. The ARPPG describe the preparation of Archaeological Resource Inventory (also known as a Phase 1 archaeological investigation), Subsurface Archaeological Resource Evaluation (also known as a Phase 2 archaeological excavation), Determination of Impacts, and Archaeological Resource Impact Mitigation.

Additionally, the ARPPG (Section 4.40.3.3) provides the following guidelines regarding the discovery of human remains:

If human remains are exposed, there shall be no further excavation or site disturbance in the area likely to contain human remains until:

A. The County Coroner has been informed and determined that no investigation of cause of death is required; and

B. If remains are likely to be of Native American origin, the Coroner has contacted the NAHC, which will designate a Most Likely Descendant (MLD). The MLD may recommend the most appropriate disposition of the human remains and associated grave goods to the landowner or other responsible party, as provided in Health and Safety Code Section 7052 and 7050.5, and as provided in Public Resources Code Section 5097.98 and Section 15064.5(e) of the CEQA Guidelines.

C. Remains and grave goods uncovered must be documented as required by state law, or to the approval of the Director.

D. Where the following conditions occur, the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject further subsurface disturbance:

   i. The NAHC is unable to identify a MLD, or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC;

   ii. The MLD identified fails to make a recommendation; or

   iii. The landowner or authorized representative rejects the recommendation of the MLD and mediation by the NAHC fails to provide measures acceptable to the landowner.

City of San Luis Obispo Historic Preservation Ordinance and Guidelines

Adopted in 2010, the City's Historic Preservation Ordinance (San Luis Obispo Municipal Code Chapter 14.01) describes the procedures for evaluating and designating historical resources, including historic districts. In order to be eligible for designation, a resource shall exhibit a high level of historic integrity, be at least 50 years old (less than 50 years old if it can be demonstrated that enough time has passed to understand its historical importance), and satisfy at least one of the following criteria:

A. Architectural Criteria:

   1) Style: Describes the form of a building, such as size, structural shape and details within that form (e.g. arrangement of windows and doors, ornamentation, etc.). Building style will be evaluated as a measure of:

      a. The relative purity of a traditional style;

      b. Rarity of existence at any time in the locale; and/or current rarity although the structure reflects a once popular style;

      c. Traditional, vernacular and/or eclectic influences that represent a particular social milieu and period of the community; and/or the uniqueness of hybrid styles and how these styles are put together.

   2) Design: Describes the architectural concept of a structure and the quality of artistic merit and craftsmanship of the individual parts. Reflects how well a particular style or combination of styles are expressed through compatibility and detailing of elements. Also, suggests degree to which the designer (e.g., carpenter-builder) accurately interpreted and conveyed the style(s). Building design will be evaluated as a measure of:

      a. Notable attractiveness with aesthetic appeal because of its artistic merit, details and craftsmanship (even if not necessarily unique);

      b. An expression of interesting details and eclecticism among carpenter-builders, although the craftsmanship and artistic quality may not be superior.

3) Architect: Describes the professional (an individual or firm) directly responsible for the building design and plans of the structure. The architect will be evaluated as a reference to:
    a. A notable architect (e.g., Wright, Morgan), including architects who made significant contributions to the state or region, or an architect whose work influenced development of the city, state or nation.
    b. An architect who, in terms of craftsmanship, made significant contributions to San Luis Obispo (e.g., Abrahams who, according to local sources, designed the house at 810 Osos - Frank Avila's father's home - built between 1927 - 30).

B. Historic Criteria
1) History – Person: Associated with the lives of persons important to local, California, or national history. Historic person will be evaluated as a measure of the degree to which a person or group was:
    a. Significant to the community as a public leader (e.g., mayor, congress member, etc.) or for his or her fame and outstanding recognition - locally, regionally, or nationally.
    b. Significant to the community as a public servant or person who made early, unique, or outstanding contributions to the community, important local affairs or institutions (e.g., council members, educators, medical professionals, clergymen, railroad officials)
2) History – Event: Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States. Historic event will be evaluated as a measure of:
    a. A landmark, famous, or first-of-its-kind event for the city - regardless of whether the impact of the event spread beyond the city.
    b. A relatively unique, important or interesting contribution to the city (e.g., the Ah Louis Store as the center for Chinese-American cultural activities in early San Luis Obispo history).
3) History – Context: Associated with and also a prime illustration of predominant patterns of political, social, economic, cultural, medical, educational, governmental, military, industrial, or religious history. Historic context will be evaluated as a measure of the degree to which it reflects:
    a. Early, first, or major patterns of local history, regardless of whether the historic effects go beyond the city level, that are intimately connected with the building (e.g., County Museum).
    b. Secondary patterns of local history, but closely associated with the building (e.g., Park Hotel).

C. Integrity: Authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Integrity will be evaluated by a measure of:
1) Whether or not a structure occupies its original site and/or whether or not the original foundation has been changed, if known.
2) The degree to which the structure has maintained enough of its historic character or appearance to be recognizable as an historic resource and to convey the reason(s) for its significance.
3) The degree to which the resource has retained its design, setting, materials, workmanship, feeling and association.

City of San Luis Obispo General Plan

Proposed projects are evaluated for consistency with the City's following adopted goals and policies relating to cultural resources. The Conservation and Open Space (COSE) Element of the General Plan addresses Historic and Architectural Resources with multiple goals and policies. The goals and policies discussed below focus on those relevant to cultural resources present on the Project site. Relevant goals and polices include:

Goal COS 3.2 Historic and Architectural Resources. The City will expand community understanding, appreciation, and support for historic and architectural resource preservation to ensure long-term protection of cultural resources.

Policy COS 3.3.1 Historic Preservation. Significant historic and architectural resources should be identified, preserved, and rehabilitated.

Policy COS 3.3.3 Historical Documentation. Buildings and other cultural features that are not historically significant, but which have historical or architectural value should be preserved or relocated where feasible. Where preservation or relocation is not feasible, the resources shall be documented, and the information retained in a secure but publicly accessible location. An acknowledgement of the resources should be incorporated within the site through historic signage and the reuse or display of historic material and artifacts.

Goal COS 3.4 Archaeological Resources. The City will expand community understanding, appreciation, and support for archaeological resource preservation.

Policy COS 3.5.1 Archaeological Resource Protection. The City shall provide for the protection of both known and potential archaeological resources. To avoid significant damage to important archaeological sites, all available measures, including purchase of the property in fee or easement, shall be explored at the time of a development proposal. Where such measures are not feasible, and development would adversely affect identified archaeological or paleontological resources, mitigation shall be required pursuant to the Archaeological Resource Preservation Program Guidelines.

Policy COS 3.5.2 Native American Sites. All Native American cultural and archaeological sites shall be protected as open space wherever possible.

Policy COS 3.5.4 Archaeological Sensitive Areas. Development within an archaeologically sensitive area shall require a preliminary site survey by a qualified archaeologist knowledgeable in Native American cultures, prior to a determination of the potential environmental impacts of the project.

Policy COS 3.5.5 Archaeological Resources Present. Where a preliminary site survey finds substantial archaeological resources, before permitting construction, the City shall require a mitigation plan to protect the resources. Possible mitigation measures include: presence of a qualified professional during initial grading or trenching; project redesign; covering with a layer of fill; excavation removal and curation in an appropriate facility under the direction of a qualified professional.

Policy COS 3.5.6. Qualified Archaeologist Present. Where substantial archaeological resources are discovered during construction or grading activities, all such activities in the

immediate area of the find shall cease until a qualified archaeologist knowledgeable in Native American cultures can determine the significance of the resource and recommend alternative mitigation measures.

Policy COS 3.5.7 Native American Participant. Native American participation shall be included in the City's Guidelines for resource assessment and impact mitigation. Native American representatives should be present during archaeological excavation and during construction in an area likely to contain cultural resources. The Native American community shall be consulted as knowledge of cultural resources expands and as the City considered updates or significant changes to its General Plan.

Policy COS 3.5.8 Protection of Native American Cultural Sites. The City will ensure the protection of archaeological sites that may be culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity through previous disturbance; sites that may have religious value, even though no artifacts are present; and sites that contain artifacts which may have intrinsic value, even though their archaeological context has been disturbed.

4.3.3 Impact Analysis

a. Thresholds of Significance

The following thresholds are based on Appendix G of the *State CEQA Guidelines*. Impacts to cultural resources would be significant if the project would:

a. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5;
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;
c. Disturb any human remains, including those interred outside of dedicated cemeteries.

Potential impacts related to human remains are discussed in Section 4.11, *Impacts Addressed in the Initial Study*. These impacts were found to be less than significant and are not discussed further in this section.

In addition, impacts to tribal cultural resources would be significant if the project would:

d. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
    i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
    ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

b. Methodology

Potential impacts to cultural resources and tribal cultural resources associated with the implementation of the project are evaluated in the following analysis, which is informed by the 2020 ARI prepared by Applied EarthWorks and the 2021 ARI prepared by Rincon. This analysis also included consultation with tribal representatives. Rincon Consultants peer reviewed the 2020 ARI and reviewed the Final EIR for the Chevron Tank Farm Remediation and Development Project (San Luis Obispo 2013).

A project results in a significant effect on the environment if it may cause a substantial adverse change in the characteristics of a historical resource that convey its significance or justify its eligibility for inclusion in the CRHR or a local register, either through demolition, destruction, relocation, alteration, or other means (CEQA Guidelines, Section 15064.5[b]).

The analysis in this EIR considers both direct impacts and indirect impacts on historical resources.

Direct impacts may occur by:

1. Physically damaging, destroying, or altering all or part of the resource;
2. Altering characteristics of the surrounding environment that contribute to the resource's significance;
3. Neglecting the resource to the extent that it deteriorates or is destroyed; or
4. The incidental discovery of cultural resources without proper notification.

Removal, demolition, or alteration of historical resources can directly impact their significance by destroying the historic fabric of an archaeological site, structure, or historic district. Direct impacts can be assessed by identifying the types and locations of proposed development, determining the exact locations of historical resources within the area, assessing the significance of the resources that may be affected, and determining the appropriate mitigation.

Indirect impacts can result from actions such as altering the setting of a historical resource; introducing incompatible visual, audible, or atmospheric elements to a resource's setting; blocking significant views; or isolating a resource from its setting or relationship to the streetscapes.

c. Impact Analysis and Mitigation Measures

Threshold a:	Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?
Threshold b:	Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

IMPACT CUL-1 CONSTRUCTION OF THE PROJECT WOULD INVOLVE GROUND DISTURBING ACTIVITIES SUCH AS GRADING AND SURFACE EXCAVATION, WHICH HAVE THE POTENTIAL TO UNEARTH OR ADVERSELY IMPACT PREVIOUSLY UNIDENTIFIED HISTORICAL OR ARCHAEOLOGICAL RESOURCES. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The portion of the project site proposed for development is currently used for vehicle parking and construction material storage and has been used previously for rock quarry activities. The required roundabout and roadway frontage improvements along Tank Farm Road and Santa Fe Road are located along the road shoulders and portions of the adjacent Chevron properties north and south of Tank Farm Road. No buildings or structures currently exist on the project site. No built

environment resources have been recorded within the project site, but one archaeological site, the Unocal (Union Oil Company) Tank Farm (CA-SLO-2617H) was previously recorded within a portion of the project site. Two contributing features (Feature 26 and Feature 27) of CA-SLO-2617H were recorded near Tank Farm Road and appear to be within the project site. No prehistoric cultural materials were identified as a result of the pedestrian surveys of the project site; however, two historic-period resources were identified, recorded, and evaluated for historical significance: a portion of a stone quarry located primarily at the western edge of APN 053-421-002, and an earthen berm located at the southeastern edge of APN 053-421-006. Both the quarry and the berm were found ineligible for listing in the CRHR and for local designation under all significance criteria. Neither the quarry nor the berm is considered a historical resource for the purposes of CEQA.

The 2011 Chevron Final EIR found the Chevron Tank Farm property (CA-SLO-2617H) eligible for listing in the CRHR for its association with significant events and themes in our history (San Luis Obispo 2013). Since that time, implementation of the Chevron Tank Farm Remediation and Development Project has removed features which contributed to the property's significance, potentially diminishing its integrity and affecting its CRHR eligibility. Despite this, archaeological material may remain and the current project may alter or cause a substantial adverse change to contributing archaeological features of the site, including Feature 26 or Feature 27, characteristics of the tank farm that convey its significance or justify its eligibility for inclusion in the CRHR. As a result, Mitigation Measures CUL-1(a) through CUL-1(d) are required to reduce the potential impact to unanticipated archaeological resources to less than significant.

No prehistoric cultural materials were identified as a result of the pedestrian survey. However, because contributing features to the Unocal (Union Oil Company or Chevron) Tank Farm have been previously recorded within the project site, Acacia Creek is adjacent to the project site on the east, and the City ARPPG identifies areas within 200 feet of the top of bank of Acacia Creek as sensitive areas, the project site is considered sensitive for archaeological resources. In addition, Native American tribal contacts requested additional cultural resource investigations within 50 feet of Acacia Creek, and monitoring of all ground-disturbing activities. Consistent with recommendations in the 2020 ARI prepared for the project by Applied EarthWorks and City of San Luis Obispo General Plan Policy COS 3.5.7, Mitigation Measure CUL-1(b) requires archaeological and Native American monitoring of ground disturbing construction activities within 200 feet of the top of bank of Acacia Creek.

Because a previously recorded archaeological resource (the Chevron or Unocal Tank Farm site) is known to exist within the project site, Mitigation Measure CUL-1(c) requires archaeological monitoring of ground disturbing construction activities within 50 feet of the mapped boundaries of Feature 26 and Feature 27 which contribute to the significance of the tank farm site.

There is the potential for unanticipated discoveries of cultural resources during project ground disturbance. In the event of an unanticipated discovery, impacts to previously unknown archaeological resources would be potentially significant and mitigation measures would be required. Mitigation Measure CUL-1(d) requires that construction activities halt in the event of an unanticipated discovery until the find can be assessed by a qualified archaeologist, consistent with City of San Luis Obispo General Plan Policy COS 3.5.6. Mitigation Measure CUL-1(d) also requires the appropriate treatment of the find to reduce impacts to the archaeological resource.

Mitigation Measures

CUL-1(a) Construction Monitoring Treatment Plan

A Construction Monitoring Treatment Plan shall be developed and implemented to ensure that any new discoveries are adequately recorded, evaluated, and if, significant, mitigated. The Construction Monitoring Treatment Plan shall provide the following:

a. All ground disturbances within 200 feet of the top of bank of Acacia Creek shall be monitored by a qualified archaeologist and Native American observer and all ground disturbance within 50 feet of the mapped boundaries of Feature 26 and Feature 27 shall be monitored by a qualified archaeologist.

b. Procedures for notifying the City and other involved or interested parties in case of a new discovery. The qualified archaeologist and/or Native American observer shall have the authority to temporarily halt or redirect construction in the vicinity of any potentially significant discovery to allow for adequate recordation and evaluation.

c. Preparation and approval of a plan that identifies procedures that shall be used to record, evaluate, and mitigate unanticipated discoveries with a minimum of delay.

d. Procedures that shall be followed in case of discovery of human remains. In the event that isolated human remains are encountered, consultation with the most likely Native American descendant, pursuant to Public Resources Code section 5097.97 and 5097.98, shall apply.

e. Results of the monitoring program shall be documented in a technical report after completion of all ground disturbances.

Plan Requirements and Timing. The conditions for monitoring and treatment of discoveries shall be printed on all building and grading plans. Prior to issuance of grading permits, the Applicant shall submit to the City Construction Monitoring Treatment Plan prepared by a qualified archaeologist. The City shall review and approve the City Construction Monitoring Treatment Plan.

Monitoring. City permit compliance staff shall confirm monitoring by the qualified archaeologist and Native American representative and City grading inspectors shall spot check fieldwork. The qualified archaeologist and Native American representative shall ensure that actions consistent with this mitigation measure are implemented in the event of any inadvertent discovery.

CUL-1(b) Archaeological Monitoring Within 200 Feet of Acacia Creek Top of Bank

All construction-related ground disturbances, including clearing/grubbing, within 200 feet of the top of bank of Acacia Creek shall be monitored by a qualified archaeologist and a Native American representative. Depending on the type of work, multiple teams of monitors may be necessary to observe construction activities occurring in separate areas. In the event that archaeological remains are encountered during construction, City of San Luis Obispo staff shall be notified and all work within 50 feet of the find shall be halted until the find is evaluated by a qualified archaeologist and appropriate mitigation, if necessary, is implemented.

If archaeological remains are identified, the resource shall be evaluated for significance under City Archaeological Resource Preservation Program Guidelines (ARPPG) and CEQA and further treatment measures including but not limited to avoidance consistent with City of San Luis Obispo General Plan Policies, Phase 2 Subsurface Archaeological Resource Evaluation (SARE), or Phase 3 Archaeological

Data Recovery Excavation (ADRE) may be required. Work within 50 feet of the find shall not resume until authorization is received from the City.

Plan Requirements and Timing. The conditions for monitoring and treatment of discoveries shall be printed on all building and grading plans. Prior to issuance of grading permits, the Applicant shall submit to the City a contract or Letter of Commitment with a qualified archaeologist and Native American representative. The City shall review and approve the selected archaeologist to ensure they meet appropriate professional qualification standards, consistent with the ARPP Guidelines.

Monitoring. City permit compliance staff shall confirm monitoring by the City-approved archaeologist and Native American representative and City grading inspectors shall spot check fieldwork. The City-approved archaeologist and Native American representative shall ensure that actions consistent with this mitigation measure are implemented in the event of any inadvertent discovery.

CUL-1(c) Archaeological Monitoring Within 50 feet of Feature 26 and Feature 27

All construction-related ground disturbances, including clearing/grubbing, within 50 feet of the mapped boundaries of Feature 26 and Feature 27 shall be monitored by a qualified archaeologist. In the event that archaeological remains are encountered during construction, City of San Luis Obispo staff shall be notified and all work within 50 feet of the find shall be halted until the find is evaluated by a qualified archaeologist and appropriate mitigation, if necessary, is implemented.

If archaeological remains are identified, the resource shall be evaluated for significance under City Archaeological Resource Preservation Program Guidelines (ARPPG) and CEQA and further treatment measures including but not limited to avoidance consistent with City of San Luis Obispo General Plan Policies, Phase 2 Subsurface Archaeological Resource Evaluation (SARE), or Phase 3 Archaeological Data Recovery Excavation (ADRE) may be required. Work within 50 feet of the find shall not resume until authorization is received from the City.

Plan Requirements and Timing. The conditions for monitoring and treatment of discoveries shall be printed on all building and grading plans. Prior to issuance of grading permits, the Applicant shall submit to the City a contract or Letter of Commitment with a qualified archaeologist and Native American representative. The City shall review and approve the selected archaeologist to ensure they meet appropriate professional qualification standards, consistent with the ARPP Guidelines.

Monitoring. City permit compliance staff shall confirm monitoring by the City-approved archaeologist and Native American representative and City grading inspectors shall spot check fieldwork. The City-approved archaeologist and Native American representative shall ensure that actions consistent with this mitigation measure are implemented in the event of any inadvertent discovery.

CUL-1(d) Unanticipated Discovery of Historical or Archaeological Resources

In the event prehistoric or historic-period materials not identified during the ARI prepared for the project are encountered during construction-related ground disturbances, ground-disturbing activities within 50 feet of the discovery shall be halted, and a qualified archaeologist shall be contacted to determine if materials are isolated finds or part of a larger archaeological deposit. If the discovery is prehistoric, a Native American representative shall be contacted to participate in the evaluation of the discovery. Appropriate City of San Luis Obispo staff shall also be notified. Prehistoric materials may include chert flaked stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing artifacts or shellfish remains; and

stone milling equipment (e.g., mortars, pestles, handstones). Historic-period materials might include stone, concrete, wood or adobe building foundations, corrals, and walls; filled wells or privies; mining features; and deposits of metal, glass, and/or ceramic refuse. If an archaeological site is identified, the resource should be evaluated for significance under City Archaeological Resource Preservation Program Guidelines (ARPPG) and CEQA and further treatment measures including but not limited to avoidance consistent with City of San Luis Obispo General Plan Policies, Phase 2 Subsurface Archaeological Resource Evaluation (SARE), or Phase 3 Archaeological Data Recovery Excavation (ADRE) may be required. Work within 50 feet of the discovery shall not resume until authorization is received from the City.

Plan Requirements and Timing. The conditions for monitoring and treatment of discoveries shall be printed on all building and grading plans. Prior to issuance of grading permits, the Applicant shall submit to the City a contract or Letter of Commitment with a qualified archaeologist and Native American representative. The City shall review and approve the selected archaeologist to ensure they meet appropriate professional qualification standards, consistent with the ARPP Guidelines.

Monitoring. City permit compliance staff shall confirm monitoring by the City-approved archaeologist and Native American representative and City grading inspectors shall spot check fieldwork. The City-approved archaeologist and Native American representative shall ensure that actions consistent with this mitigation measure are implemented in the event of any inadvertent discovery.

Significance After Mitigation

Implementation of Mitigation Measures CUL-1(a), CUL-1(b), CUL-1(c) and CUL-1(d) would ensure that appropriate precautions and protection measures are taken to reduce the potential impact to unanticipated archaeological resources to less than significant.

Threshold d:	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

IMPACT CUL-2 CONSTRUCTION OF THE PROJECT WOULD INVOLVE GROUND DISTURBING ACTIVITIES SUCH AS GRADING AND SURFACE EXCAVATION, WHICH HAVE THE POTENTIAL TO UNEARTH OR ADVERSELY IMPACT PREVIOUSLY UNIDENTIFIED TRIBAL CULTURAL RESOURCES. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

No cultural resources were identified on the project site as a result of the records search and pedestrian survey conducted as part of the ARIs prepared for the project; however, the NAHC SLF search indicated tribal cultural resources are located within the vicinity of the project. San Luis Obispo County has a long history of Native American occupation and, therefore, ground-disturbing activities have the potential to uncover previously unknown tribal cultural resources.

Pursuant to the requirements of AB 52, the City conducted Native American consultation for the project to identify potential concerns or issues associated with Native American cultural resources within the project vicinity. As part of the AB 52 consultation process, the City contacted nine tribal representatives who had previously requested notification by the City for all CEQA projects, offering an opportunity to consult with the City on the potential effects of the project on tribal cultural resources. Letters were sent on January 8, 2021 and tribal representatives had 30 days from receipt of the City's letter to request consultation. Responses were received from the Northern Chumash Tribal Council on December 16, 2020 requesting monitoring for ground-disturbing activities on the site, Santa Ynez Band of Chumash Indians on March 22, 2021 stating that no further consultation is required for this project, and the Salinan Tribe March 26, 2021 requesting formal consultation on the project. City staff is coordinating with the Salinan Tribe for further consultation alongside preparation of this EIR.

To address the inclusion of the required roundabout and roadway frontage improvements along Tank Farm Road and Santa Fe Road, the City of San Luis Obispo has initiated additional formal Native American consultation with the nine tribal representatives.

During project ground disturbing activities such as grading and surface excavation, there is potential for encountering previously undiscovered cultural resources of Native American origin that could be considered tribal cultural resources. Therefore, impacts to tribal cultural resources would be potentially significant and mitigation would be required. Mitigation Measure CUL-1(a) addresses archaeological monitoring within 200 feet of the top of bank of Acacia Creek, and Mitigation Measure CUL-1(b) addresses the potential for unanticipated discovery of historical or archaeological resources during project construction activities. Mitigation Measure CUL-2 requires consultation

with local Native American tribes and implementation of a tribal cultural resource mitigation plan in the event that a tribal cultural resource is identified during construction.

Mitigation Measure

CUL-2(a) Unanticipated Discovery of Tribal Cultural Resources

In the event that a resource of Native American origin is identified during construction, the City of San Luis Obispo staff shall contact all California Native American tribe(s) that have expressed interest in the project and begin or continue consultation procedures with any tribe or tribes that request consultation. If an archaeological site is identified, the resource should be evaluated for significance under City Archaeological Resource Preservation Program Guidelines (ARPPG) and CEQA. If the City, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and the proposed project would have a potentially significant impact to the resource, a tribal cultural resource mitigation plan shall be prepared and implemented in accordance with State guidelines (PRC Sections 21080.3.2, 21080.3.3, 21084.3) and in consultation with Native American groups. The mitigation plan may include but would not be limited to avoidance, capping in place, excavation and removal of the resource, interpretive displays, sensitive area signage, or other mutually agreed upon measures.

Plan Requirements and Timing. This condition shall be printed on all building and grading plans.

Monitoring. City permit compliance staff shall check plans prior to issuance of grading permits, and City compliance monitoring staff shall spot check in the field throughout grading and construction.

Significance After Mitigation

Implementation of Mitigation Measure CUL-2(a) would reduce the potential impact to previously unidentified tribal cultural resources on the project site to a less than significant level.

d. Cumulative Impacts

As described in Section 3, Environmental Setting, a substantial amount of development is proposed, planned, or underway in the southeastern portion of San Luis Obispo including the San Luis Ranch Specific Plan, Avila Ranch Specific Plan, Margarita Area Specific Plan, AASP, Orcutt Area Specific Plan, and Froom Ranch Specific Plan. The mobile home park property adjacent to the subject property (650 Tank Farm Road) has approved entitlements for the development of residential mixed-use and assisted living facilities (San Luis Obispo 2019b). The property further to the east at the northwest corner of Tank Farm Road and Broad Street (660 Tank Farm Road) has been proposed to be redeveloped with an assisted living facility and retail commercial development. Under the Chevron Tank Farm Remediation and Development Project, business parks would be developed immediately to the west of the subject property and to the south of Tank Farm Road.

For the purpose of this EIR, cumulative development in the City of San Luis Obispo includes approximately 4,039 residential units, 605 senior and assisted living units, 817 hotel rooms, 1.2 million square feet of commercial/business park development, and 17,703 square feet of a water resource facility. This cumulative development would have the potential to disturb cultural resources and tribal cultural resources.

The California State Archaeological Task Force has estimated that a large percentage of archaeological sites in the state have been destroyed. The project, in conjunction with other nearby planned, pending, and potential future projects would have the potential to adversely impact

cultural resources. Implementation of Mitigation Measures CUL-1(a) through (d) and CUL-2(a) would reduce the project's potential impacts to cultural resources to a less than significant level. Individual development proposals are reviewed separately and undergo environmental review when it is determined the potential for significant impacts exists. In the event that future cumulative development would result in impacts to known or unknown cultural resources, impacts to such resources would be addressed on a case-by-case basis. Future development in the City and within the cumulative project setting would be required to implement similar evaluation, monitoring, and mitigation requirements as the proposed project to reduce impacts to historical and archeological resources and tribal cultural resources. Therefore, the project would not contribute considerably to cumulative impacts related to the incremental loss of cultural resources or tribal cultural resources.

4.4 Energy

This section discusses the project's potential impacts relating to energy use. This analysis follows the guidance for evaluation of energy impacts contained in Appendix F and Appendix G of the State CEQA Guidelines. The physical environmental impacts associated with the generation of electricity and burning of fuels are discussed in Section 4.1, Air Quality, and Section 4.5, Greenhouse Gas Emissions.

4.4.1 Setting

Energy use relates to environmental quality because energy production can adversely affect air quality and generate greenhouse gas (GHG) emissions that contribute to climate change. Fossil fuels are burned to create electricity that powers residences, heats and cools buildings, and powers vehicles. Transportation energy use depends on the fuel efficiency of cars, trucks, and public transportation; the different travel modes such as auto, carpool, and public transit; and the miles traveled using these modes. Construction and routine operation and maintenance of transportation infrastructure also consume energy.

a. Energy Supply

Petroleum

California is one of the top producers of petroleum in the nation with drilling operations occurring throughout the state but concentrated primarily in Kern and Los Angeles counties. A network of crude oil pipelines connects production areas to oil refineries in the Los Angeles area, the San Francisco Bay area, and the Central Valley. California oil refineries also process Alaskan and foreign crude oil received at ports in Los Angeles, Long Beach, and the San Francisco Bay area (California Energy Commission [CEC] 2021a). According to the United States Energy Information Administration (U.S. EIA), California's field production of crude oil totaled 161.5 million barrels in 2019 (U.S. EIA 2020a).

City of San Luis Obispo Petroleum Infrastructure

There are approximately 15 gasoline stations, but no petroleum refineries in the City of San Luis Obispo (U.S. EIA 2020b, GasBuddy 2021). According to the California Department of Conservation Geologic Energy Management Division (CalGEM), there are no active, idle, or former oil production wells in San Luis Obispo (CalGEM 2021).

Alternative Fuels

A variety of alternative fuels are used to reduce petroleum-based fuel demand. Statewide regulations and plans, such as the Low Carbon Fuel Standard and Senate Bill (SB) 32, encourage alternative fuel use. Alternative vehicle fuels include hydrogen, biodiesel, and electricity. Currently, 42 hydrogen and 10 biodiesel refueling stations are located in California, with one biodiesel station located in the City of San Luis Obispo. There is one public compressed natural gas station and approximately 20 electric vehicle charging stations in the City of San Luis Obispo, with one additional compressed natural gas station in San Luis Obispo County and additional electric vehicle charging stations located along U.S. 1 and U.S. 101 (United States Department of Energy 2021).

Electricity

In 2019, California's in-state electricity generation totaled 200,475 gigawatt-hours (GWh; CEC 2021b). Primary fuel sources for the state's electricity generation in 2019 included natural gas, hydroelectric, solar photovoltaic, wind, nuclear, geothermal, biomass, and solar thermal. According to the Final 2019 Integrated Energy Policy Report, California's electricity sector is rapidly evolving in response to climate policy and market changes, with increasing reliance on solar and wind energy sources. Installed renewable capacity in the state increased from 9,313 megawatts (MW) in 2009 to 23,313 MW in 2018. Over the same period, renewable generation in the state more than doubled from 33 GWh in 2009 to 77 GWh in 2018. As a result of these and other changes in the state's resource mix, out-of-state coal imports will be eliminated from the resource mix and the last remaining nuclear power plant in the state, Diablo Canyon Power Plant, is scheduled to be decommissioned by 2025 (CEC 2020a).

Pacific Gas & Electric

Pacific Gas and Electric (PG&E) is responsible for providing electric power supply to San Luis Obispo. PG&E is one of the nation's largest electric and gas utility companies, and it maintains 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines (PG&E 2021a). In 2019, PG&E's power mix, including all PG&E-owned generation plus the company's power purchases, consisted of 29 percent renewable resources (wind, geothermal, biomass, solar, and small hydroelectric), 44 percent non-emitting nuclear generation, and 27 percent large hydroelectric facilities (PG&E 2021b).

Central Coast Community Energy

Central Coast Community Energy (3CE) is a Community Choice Energy agency established by local communities to source clean and renewable electricity for San Luis Obispo, Santa Barbara, Monterey, San Benito, and Santa Cruz counties while retaining the primary utility provider's (i.e., PG&E) traditional role delivering power, maintaining electric infrastructure, and billing for electricity. In its first two years of operations, 3CE has contracted for 453.3 MW of long term eligible renewable resources and 192.7 MW of battery storage. In 2019, 3CE's power mix consisted of 30.9 percent renewable resources (wind, geothermal, biomass, solar, and small hydroelectric), and 69.1 percent large hydroelectric facilities (3CE 2020).

Natural Gas

California's net natural gas production for 2018 was 180.6 billion cubic feet (CalGEM 2019). The state relies on out-of-state natural gas imports for nearly 90 percent of its supply. The CEC estimates that approximately 45 percent of the natural gas burned across the state is used for electricity generation, and much of the remainder is consumed in the residential (21 percent), industrial (25 percent), and commercial (9 percent) sectors.

Southern California Gas

The project site is in the natural gas service area of Southern California Gas Company (SoCalGas), which spans central and southern California (CEC 2020b). SoCalGas' service area is equipped with 101,000 miles of gas transmission and distribution pipelines (SoCalGas 2021a). Natural gas supplied by SoCalGas to California is sourced primarily from the Southwestern U.S. (the Permian, Anadarko, and San Juan basins), the Rocky Mountains, California (onshore and offshore), and Canada (California Gas and Electric Utilities [CGEU] 2020).

San Luis Obispo Natural Gas Infrastructure

No active, idle, or former natural gas wells or natural gas processing plants are located in San Luis Obispo (CalGEM 2021; U.S. EIA 2020b). Several natural gas transmission pipelines are located in San Luis Obispo County, with both transmission lines and high-pressure distribution lines located in the City of San Luis Obispo (SoCal Gas 2021b).

b. Energy Demand

The smallest scale at which energy consumption information is readily available is the county level. Therefore, energy consumption in San Luis Obispo County is used herein to provide the geographic context for the city's existing consumption of petroleum, electricity, and natural gas as detailed in the following subsections.

Petroleum

As shown in Table 4.4-1, San Luis Obispo County consumed an estimated 138 million gallons of gasoline and 22 million gallons of diesel fuel in 2019, which was approximately 0.9 percent of statewide gasoline consumption and approximately 1.3 percent of statewide diesel fuel consumption (CEC 2020c). This is greater than the County's proportion of California's population, which is approximately 0.7 percent (DOF 2020).

Table 4.4-1 2019 Annual Gasoline and Diesel Consumption

Fuel Type	San Luis Obispo County (gallons)	California (gallons)	Proportion of Statewide Consumption[1]
Gasoline	138,000,000	15,365,000	0.9%
Diesel	22,000,000	1,756,000	1.3%

[1] For reference, the population of San Luis Obispo County (277,259 persons) is approximately 0.7 percent of the population of California (39,782,870 persons) (California Department of Finance [DOF] 2020).

Source: CEC 2020c

Electricity

As shown in Table 4.4-2, San Luis Obispo County consumed approximately 1,707 GWh of electricity in 2019, which is approximately 2.2 percent of electricity consumed by PG&E customers statewide and approximately 0.9 percent of statewide electricity consumption (CEC 2021d). This is greater than the County's proportion of California's population, which is approximately 0.7 percent (DOF 2020).

Table 4.4-2 2019 Electricity Consumption

Energy Type	San Luis Obispo County (GWh)	PG&E (GWh)	California (GWh)	Proportion of PG&E Consumption	Proportion of Statewide Consumption[1]
Electricity	1,707	78,072	200,475	2.2%	0.9%

[1] For reference, the population of San Luis Obispo County (277,259 persons) is approximately 0.7 percent of the population of California (39,782,870 persons) (DOF 2020).

Source: CEC 2021d

Natural Gas

In 2019, SoCal Gas customers consumed a total of 5,425 million therms of natural gas (approximately 249 therms per customer, less than California's average 331 therms per resident). Residential users accounted for approximately 45 percent of SoCal Gas' natural gas consumption. Industrial and commercial users accounted for another 31 percent and 19 percent, respectively. The remainder was used for mining, construction, agricultural, and water pumping purposes (CEC 2021d).

As shown in Table 4.4-3, San Luis Obispo County consumed approximately 90 million therms of natural gas in 2019, which was approximately 1.7 percent of the natural gas consumed by SoCal Gas customers statewide and approximately 0.7 percent of statewide natural gas consumption (CEC 2021d). This is similar to the County's proportion of California's population, which is approximately 0.7 percent (DOF 2020).

Table 4.4-3 2019 Natural Gas Consumption

Energy Type	San Luis Obispo County (millions of US therms)	SoCal Gas (Millions of US therms)	California (millions of US therms)	Proportion of SoCal Gas Consumption	Proportion of Statewide Consumption[1]
Natural Gas	90	5,425	13,158	1.7%	0.7%

[1] For reference, the population of San Luis Obispo County (277,259 persons) is approximately 0.7 percent of the population of California (39,782,870 persons) (DOF 2020).

Source: CEC 2021d

4.4.2 Regulatory Setting

a. Federal

Energy Independence and Security Act of 2007

The Energy Independence and Security Act, enacted by Congress in 2007, is designed to improve vehicle fuel economy and help reduce the United States' dependence on foreign oil. It expands the production of renewable fuels, reducing dependence on oil and confronting climate change. Specifically, the Energy Independence and Security Act does the following:

- Increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard that requires fuel producers to use at least 36 billion gallons of biofuel in 2022, which represents a nearly five-fold increase over current levels.
- Reduces United States demand for oil by setting a national fuel economy standard of 35 miles per gallon by 2020, an increase in fuel economy standards of 40 percent.
- The Energy Independence and Security Act of 2007 also set energy efficiency standards for lighting (specifically light bulbs) and appliances. Development would also be required to install photosensors and energy-efficient lighting fixtures consistent with the requirements of 42 USC Section 17001 et seq.

Energy Policy and Conservation Act

Enacted in 1975, the Energy Policy and Conservation Act established fuel economy standards for new light-duty vehicles sold in the United States. The law placed responsibility on the National

Highway Traffic and Safety Administration (NHTSA) for establishing and regularly updating vehicle standards. The United States Environmental Protection Agency (U.S. EPA) is responsible for administering the Corporate Average Fuel Economy (CAFE) program, which determines vehicle manufacturers' compliance with existing fuel economy standards. In 2012, the U.S. EPA and NHTSA established final passenger car and light truck CAFE standards for model years 2017 to 2021, which require a combined average fleet-wide fuel economy of 40.3 to 41.0 miles per gallon in model year 2021. The U.S. EPA will reexamine the standards for model years 2022 to 2025 and NHTSA will set new CAFE standards for those model years in the next couple of years, based on the best available information at that time. (United States Department of Transportation 2014).

Energy Star Program

Energy Star is a voluntary labeling program introduced by U.S. EPA to identify and promote energy-efficient products to reduce GHG emissions. The program applies to major household appliances, lighting, computers, and building components such as windows, doors, roofs, and heating and cooling systems. Under this program, appliances that meet specifications for maximum energy use established under the program are certified to display the Energy Star label. Since 1992, Energy Star and its partners helped residents and businesses in the United States save more than 4 trillion kilowatt-hours of electricity and achieve over 3.5 billion metric tons of GHG reductions (Energy Star 2021).

Construction Equipment Fuel Efficiency Standard

The U.S. EPA sets emission standards for construction equipment, including excavators and other construction equipment, farm tractors and other agricultural equipment, forklifts, airport ground service equipment, and utility equipment such as generators, pumps, and compressors. Most recently, the U.S. EPA adopted a comprehensive national program to reduce emissions from nonroad diesel engines by integrating engine and fuel controls as a system to gain the greatest emission reductions. The current iteration of emissions standards for construction equipment are the Tier 4 efficiency requirements are contained in 40 Code of Federal Regulations Parts 1039, 1065, and 1068. Emissions requirements for new off-road Tier 4 vehicles were completely phased in by the end of 2015.

b. State

California Energy Plan

The CEC is responsible for preparing the California Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The 2008 California Energy Plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies several strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, as well as encouragement of urban designs that reduce vehicle miles travelled (VMT) and accommodate pedestrian and bicycle access.

Assembly Bill 2076: Reducing Dependence on Petroleum

Pursuant to Assembly Bill (AB) 2076 (Chapter 936, Statutes of 2000), the CEC and California Air Resources Board (CARB) prepared and adopted a joint-agency report, Reducing California's Petroleum Dependence, in 2003. Included in this report are recommendations to increase the use of alternative fuels to 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita vehicle miles travelled.

Integrated Energy Policy Report

SB 1389 requires the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The CEC uses these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety. The most recent 2019 Integrated Energy Policy Report covers a broad range of topics, including decarbonizing buildings, integrating renewables, energy efficiency, energy equity, integrating renewable energy, updates on Southern California electricity reliability, climate adaptation activities for the energy sector, natural gas assessment, transportation energy demand forecast, and the California Energy Demand Forecast (CEC 2020a).

Senate Bill 350

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires a doubling of the energy efficiency savings in electricity and natural gas for retail customers through energy efficiency and conservation by December 31, 2030.

California Renewable Portfolio Standard and Senate Bill 100

Approved by the Governor on September 10, 2018, SB 100 accelerates the state's Renewable Portfolio Standard program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045. The State met the 2020 goal.

Assembly Bill 1493: Reduction of Greenhouse Gas Emissions

AB 1493 (2002), California's Advanced Clean Cars program (referred to as "Pavley"), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, the U.S. EPA granted the waiver of Clean Air Act preemption to California for its GHG emission standards for motor vehicles, beginning with the 2009 model year, which allows California to implement more stringent vehicle emission standards than those promulgated by the U.S. EPA. Pavley I regulates model years from 2009 to 2016 and Pavley II, now referred to as "LEV (Low Emission Vehicle) III GHG," regulates model years from 2017 to 2025. The Advanced Clean Cars program coordinates the goals of the Low Emission Vehicle, Zero Emissions Vehicles, and Clean Fuels Outlet programs, and would provide major reductions in GHG emissions (CARB 2011). However, on September 19, 2019, the U.S. EPA withdrew California's Clean Air Act preemption waiver and issued the One National Program Rule, which prohibits states from establishing their own separate fuel economy standards or passing laws that substantially affect fuel economy standards. As a result, California may no longer promulgate and enforce its tailpipe GHG emission standard and zero emission vehicle mandate (U.S. EPA 2019).

Energy Action Plan

In 2003, the CEC and California Public Utilities Commission set forth their energy policy vision in the Energy Action Plan (EAP). The CEC adopted an update to the EAP in February 2008 (EAP II) that supplements the earlier EAP and examines the state's ongoing actions in the context of global climate change. The nine major action areas in the EAP include energy efficiency, demand response, renewable energy, electricity adequacy/reliability/infrastructure, electricity market structure, natural gas supply/demand/infrastructure, transportation fuels supply/demand/infrastructure, research/development/demonstration, and climate change (California Public Utilities Commission 2008).

Assembly Bill 1007: State Alternative Fuels Plan

In response to AB 1007, the CEC prepared the state Alternative Fuels Plan in partnership with CARB and in consultation with other federal, state, and local agencies. The state Alternative Fuels Plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-state production. The state Alternative Fuels Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality (CEC 2007).

Bioenergy Action Plan (Executive Order S-06-06)

Executive Order (EO) S-06-06 establishes targets for the use and production of biofuels and biopower and directs state agencies to work together to advance biomass programs in California while providing environmental protection and mitigation. The EO establishes in-state production targets to increase the production and use of bioenergy, including producing 75 percent of ethanol and biodiesel fuels used in California from renewable resources by 2050.

EO S-06-06 also calls for the state to meet a target for use of biomass electricity. The 2011 Bioenergy Action Plan identifies potential barriers and recommends actions to address them so the state can meet its clean energy, waste reduction, and climate protection goals. The 2012 Bioenergy Action Plan updates the 2011 Plan and provides a more detailed action plan to achieve the following goals:

- Increase environmentally and economically sustainable energy production from organic waste
- Encourage development of diverse bioenergy technologies that increase local electricity generation, combined heat and power facilities, renewable natural gas, and renewable liquid fuels for transportation and fuel cell applications
- Create jobs and stimulate economic development, especially in rural regions of the state
- Reduce fire danger, improve air and water quality, and reduce waste

California Building Energy Efficiency Standards (2019) - California Code of Regulations, Title 24, Part 6

California Code of Regulations, Title 24, Part 6, is California's Energy Efficiency Standards for Residential and Non-residential Buildings. The 2019 Building Energy Efficiency Standards, adopted on May 9, 2018 became effective on January 1, 2020. The 2019 Standards move toward cutting nonrenewable energy use in new homes by more than 50 percent and require installation of solar

photovoltaic systems for single-family homes and multi-family buildings of three stories and less. The 2019 Standards focus on four key areas: 1) smart residential photovoltaic systems; 2) updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa); 3) residential and nonresidential ventilation requirements; 4) and nonresidential lighting requirements. Under the 2019 Standards, nonresidential buildings will be 30 percent more energy-efficient compared to the 2016 Standards, and single-family homes will be seven percent more energy-efficient. When accounting for the electricity generated by the solar photovoltaic system, single-family homes would use approximately 50 percent less energy compared to homes built to the 2016 standards (CEC 2018).

California Green Building Standards Code (2019) - California Code of Regulations Title 24, Part 11

California's Green Building Code, referred to as CALGreen, was developed to provide a consistent approach to green building in the state. The CEC adopted updates to the 2016 CALGreen Standards in 2019 and took effect on January 1, 2020. These changes include the following: increasing the number of parking spaces that must be prewired for electric vehicle chargers in residential development; requiring all residential development to adhere to the Model Water Efficient Landscape Ordinance; and requiring more appropriate sizing of HVAC ducts (California Building Standards Commission 2019).

c. Local

City of San Luis Obispo Climate Action Plan

In August 2020, the City of San Luis Obispo adopted its most recent Climate Action Plan for Community Recovery (2020 CAP) to establish a community-wide goal of carbon neutrality by 2035, adopt sector specific goals, and provide foundational actions to establish a trajectory towards achieving those goals. The 2020 CAP includes two volumes: Volume 1, which provides a summary of the 2020 CAP, and Volume 2, which describes the 2020 CAP update process, provides a GHG emissions inventory summary, describes the foundational actions required to achieve deep reductions in greenhouse gas emissions, and includes a work program for plan implementation (City of San Luis Obispo 2021). For further discussion of the 2020 CAP, refer to Section 4.5, Greenhouse Gas Emissions.

Clean Energy Choice Program for New Buildings

In August 2020, the City developed local amendments to the 2019 California Building Code (CBC) to encourage all-electric new buildings. The amended CBC, as codified in Municipal Code Section 15.04.110, allows all-electric new buildings to be built to minimum code standards and requires mixed-fuel buildings to be substantially more efficient or include additional solar generation or battery storage. The program also requires solar on nonresidential buildings. When paired with Central Coast Community Energy's (formerly Monterey Bay Community Power) clean electricity supply, all electric new buildings have very low operational emissions and avoid health and safety issues associated with fossil fuels and GHGs. The City Council approved the Clean Energy Choice Program for New Buildings in June 2020. With this approval, the City joins more than 50 other California communities currently considering ways to encourage cleaner buildings. Unlike some cities that are banning natural gas entirely, the Clean Energy Choice Program for New Buildings will provide options to people who want to develop new buildings with natural gas.

City of San Luis Obispo General Plan

The Energy section of the City of San Luis Obispo General Plan Conservation and Open Space Element outlines the City's goals, policies, and programs related to energy use. The Energy section establishes the City's goals of sustainable energy use and solar access and includes a range of sector-specific supporting policies and programs to achieve these goals. These include:

- **Goal 4.2. Sustainable Energy Use.** Increase use of sustainable energy sources such as solar, wind and thermal energy, and reduce reliance on non-sustainable energy sources to the extent possible with available technology and resources.
- **Goal 4.4.4. Solar Access.** Encourage the provision for and protection of solar access.

4.4.3 Impact Analysis

a. Methodology

Public Resources Code Section 21100(b)(3) states that an EIR shall include "mitigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy." The physical environmental impacts associated with the use of energy including the generation of electricity and burning of fuels have been accounted for in Section 4.1, Air Quality, and Section 4.5, Greenhouse Gas Emissions.

Energy consumption is analyzed herein in terms of construction and operational energy. Construction energy demand accounts for anticipated energy consumption during construction of the project, such as fuel consumed by construction equipment and construction workers' vehicles traveling to and from the project site. Project construction activities would also use building materials that would require energy use during the manufacturing and/or procurement of that material. Section 15126.2(b) of the CEQA Guidelines states, "This [energy] analysis is subject to the rule of reason and shall focus on energy use that is caused by the project." This analysis reasonably assumes that manufacturers of building materials such as concrete, steel, lumber, or other building materials would employ energy conservation practices in the interest of minimizing the cost of doing business. Therefore, the consumption of energy required for the manufacturing and/or procurement of building and construction material is not within the scope of this analysis.

Operational energy demand accounts for the anticipated energy consumption during operation of the transportation system and land use scenario proposed by the project, such as fuel consumed by cars, trucks, and public transit; natural gas consumed for on-site power generation and heating building spaces; and electricity consumed for building power needs, including, but not limited to lighting, water conveyance, and air conditioning.

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate energy consumption from construction and operation of project development using information provided by the project applicant and CalEEMod default values for projects in San Luis Obispo County. The CalEEMod results (Appendix C) provide the average travel distance, vehicle trip numbers, and vehicle fleet mix during construction and operation of the project. The CalEEMod results also provide the estimated gross electricity and natural gas consumption by land use during operation of proposed development on the project site. This information is used to determine the anticipated energy consumption during construction and operation of the project.

The evaluation of potential energy-related impacts considers the equipment and processes employed during construction on the project site and the land uses, location, and potential for the

project to generate new VMT to qualitatively determine whether energy consumed during construction and operation would be wasteful, inefficient, or unnecessary.

b. Thresholds of Significance

The following thresholds are based on Appendix G of the State CEQA Guidelines. Impacts related to energy would be significant if the project would:

a. Result in wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation;
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

c. Impact Analysis

Threshold a:	Would the project result in wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Impact E-1 **TEMPORARY CONSTRUCTION AND LONG-TERM OPERATION OF THE PROJECT WOULD REQUIRE CONSUMPTION OF ENERGY RESOURCES. HOWEVER, THE PROJECT WOULD NOT RESULT IN THE WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

Construction

Project construction would require temporary energy resources primarily in the form of fuel consumption to operate heavy equipment, light-duty vehicles, machinery, and generators. Temporary grid power may also be provided to construction trailers or electric construction equipment. Table 4.4-4 summarizes the anticipated fuel consumption from equipment and vehicles, including worker trips to and from the project site, during construction of the project.

Table 4.4-4 Construction Fuel Consumption

	Fuel Consumption (Gallons)	
Source	**Gasoline**	**Diesel**
Construction Equipment & Hauling Trips	–	195,605
Construction Vendor Trips	–	32,364
Construction Worker Vehicle Trips	133,584	–

See Appendix C for CalEEMod default values for fleet mix and average distance of travel, and energy calculation sheets.

As shown in Table 4.4-4, construction of the project would require approximately 133,584 gallons of gasoline and 227,969 gallons of diesel fuel. Energy use during construction activities would be temporary, and construction equipment used would be typical of similar-sized construction projects in the region. In addition, construction contractors are required to comply with the provisions of 13 California Code of Regulations Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes, minimizing unnecessary fuel consumption. Construction equipment would be subject to the U.S. EPA Construction Equipment Fuel Efficiency Standard (40 Code of Federal Regulations Parts 1039, 1065, and 1068), which minimizes inefficient fuel consumption. Electrical power would be consumed during construction activities, and the demand would be supplied from existing electrical

infrastructure in the area. Electricity used for construction purposes would be minor and limited to intermittent use of construction equipment.

Overall, temporary project construction activities would utilize fuel- and energy-efficient equipment consistent with the most recently adopted state and federal regulations and would comply with state measures to reduce the inefficient, wasteful, or unnecessary consumption of energy. Construction contractors would not be anticipated to utilize fuel or electricity in a manner that is wasteful or unnecessary as a business practice to ensure cost efficiency. Moreover, the use of energy to construct new development on the project site would not be unnecessary because the intention of the project is to provide additional housing and commercial/office space in San Luis Obispo. Therefore, project construction would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy.

Operation

Energy demand from long-term operation of new development on the project site would include electricity consumed by residential and non-residential buildings and energy associated with fuel consumption. Emission estimates from energy use include natural gas use as is typical for heating and cooking in residential and non-residential buildings; however, the project would include energy efficiency measures including the installation of solar panels and an all-electric design in compliance with the City's Clean Energy Choice Program. The project would not bring natural gas infrastructure to the site. Accordingly, the emissions modeling and output for the project is a conservative estimate of the project's operational energy usage. Project operational energy usage from electricity usage and fuel consumption is summarized in Table 4.4-5 and discussed further below.

Table 4.4-5 Annual Operational Energy Usage

Source	Energy Consumption	
Vehicle Trips		
Gasoline	128,998 gallons	14,162 MMBtu
Diesel	24,508 gallons	3,251 MMBtu
Built Environment		
Electricity	1,138,158 kWh	3,883 MMBtu
Natural Gas Usage	--	--

kBtu = thousand British thermal units, MMBtu = million British thermal units, kWh = kilowatt-hours
See Appendix C for fleet mix, VMT, and electricity consumption factors and values.

The proposed buildings would total approximately 261,200 square feet, which is an average energy use intensity (EUI) of 0.0149 MMBtu per square foot.[1] According to the United States Energy Information Administration, average EUI in the Pacific region of the United States is 0.0314 MMBtu per square foot for residences and 0.0799 MMBtu per square foot for commercial buildings (U.S. EIA 2016; 2018a; 2018b). Therefore, the project's EUI for buildings would be below the average EUI in the Pacific region for both residential and commercial buildings, and project operation would not result in significant impacts due to the wasteful, inefficient, or unnecessary consumption of energy. As a result, this impact would be less than significant.

[1] 3,883 MMBtu (building energy usage) divided by 261,200 square feet.

Vehicle Trips

Mobile source energy demand is generated by fuel consumption associated with an increase in vehicle trips to and from the project site for operation of on-site development. As shown in Table 4.4-5, vehicle trips generated by the project would require approximately 128,998 gallons of gasoline and 24,508 gallons of diesel fuel, or 17,413 million Btu (MMBtu) annually. Gasoline and diesel fuel demands would be met by existing gasoline stations in the vicinity of the project site. The project has been designed with a mix of land uses, including residential, commercial, and office uses. Bike and pedestrian trips would be supported by a connection to the 650 Tank Farm Road property and extension of the on-site bike path to the bike path at the Damon Garcia-Sports Fields to the north. A new bridge connecting the project site to the 650 Tank Farm Road property is planned to be installed by the developer of that property (refer to Figure 2-5 in Section 2, Project Description). The planned bridge connecting the project site to the 650 Tank Farm Road property would provide pedestrian and bicycle access, and secondary emergency access; the bridge would not accommodate general vehicle traffic. Additionally, the proposed frontage improvements along Santa Fe Road Extension north of Tank Farm Road includes sidewalks and protected bike lanes on the east side, as well as a potential pedestrian and bicycle connection along Tank Farm Road to the west of the project site. The proposed bicycle and pedestrian facilities would encourage the use of alternative transportation modes, which would reduce VMT and associated fuel consumption. In addition, shared cars would also be provided at a rate of at least one car per 50 units to reduce the need for additional vehicles in each proposed housing unit. The project would also implement a preference program for housing units for workers within a 1.5-mile radius of the project site to encourage commuting without the use of vehicles. Furthermore, vehicles driven by future residents, employees, visitors, and patrons of the proposed uses on the project site would be subject to increasingly stringent federal and state fuel efficiency standards, minimizing the potential for the inefficient consumption of vehicle fuels. As a result, vehicle fuel consumption resulting from the project would not be wasteful, inefficient, or unnecessary.

Built Environment

As shown in Table 4.4-5, the project would consume approximately 1,138,158 kWh per year of electricity, or 3,883 MMBtu annually. The project would require permanent grid connections for electricity, which would be supplied by PG&E and includes a portion of clean and renewable energy sourced by 3CE.

The project includes energy efficiency measures to meet the net-zero energy requirements in the City's Clean Energy Choice Program for New Buildings. Proposed energy-efficiency measures include an all-electric design and the installation of solar panels on the residential buildings (refer to Section 2.5.6, Green Building Features).[2] The City's Clean Energy Choice Program for New Buildings is a package of incentives and local amendments to the 2019 California Energy Code that encourages all-electric new buildings. Construction of the proposed buildings also would comply with all applicable 2019 California Building Energy Efficiency Standards for Residential and Non-residential Buildings and CALGreen (California Code of Regulations Title 24, Parts 6 and 11) or later versions, which are anticipated to be more stringent than the 2019 codes. This includes the provision of electric vehicle supply equipment, water-efficient plumbing fixtures and fittings, recycling services, solar panels on new structures, and other energy-efficient measures that would reduce the potential for the

[2] Note that the project proposes installing solar panels on residential buildings, but does not propose solar panels on non-residential portions of the project. For more detail refer to Section 2.5.6, Green Building Features.

inefficient use of energy. As a result, energy consumption resulting from the proposed built environment would not be wasteful, inefficient, or unnecessary.

Mitigation Measures

This impact would be less than significant, and no mitigation is required.

Threshold b:	Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Impact E-2 THE PROJECT WOULD NOT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE CITY'S 2020 CAP OR CLEAN ENERGY CHOICE PROGRAM FOR NEW BUILDINGS, OR ANY OTHER APPLICABLE PLANS FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

The City's 2020 CAP, Clean Energy Choice Program for New Buildings, and General Plan Conservation and Open Space Element contain measures intended to increase energy efficiency and expand the use of renewable energy. As discussed under Impact E-1, the project includes energy efficiency measures to achieve net-zero energy requirements in the City's Clean Energy Choice Program for New Buildings. The project also includes shared cars that would be provided at a rate of at least one car per 50 units to reduce the need for additional vehicles in each housing unit. The project would implement a preference program for housing units for workers within a 1.5-mile radius of the project site to encourage commuting without the use of vehicles. Bike and pedestrian trips to and from the project site would be supported by a connection to the 650 Tank Farm Road property and extension of the on-site bike path to the bike path at the Damon Garcia-Sports Fields to the north. A new bridge connecting the project site to the 650 Tank Farm Road property is planned and would increase pedestrian and bike access in the project vicinity. The proposed bicycle and pedestrian facilities and access would encourage the use of alternative transportation modes, which would reduce VMT and associated fuel consumption. With incorporation of energy efficiency measures in the proposed buildings and decreased fuel consumption through facilitation of reduced and alternative travel, the project would not with or obstruct implementation of the City's 2020 CAP or Clean Energy Choice Program for New Buildings, or any other applicable plans for renewable energy or energy efficiency.

Mitigation Measures

This impact would be less than significant, and no mitigation is required.

d. Cumulative Impacts

A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines Section 15065[a][3]). The geographic scope for energy consumption is San Luis Obispo County. This geographic scope is appropriate because the smallest scale at which energy consumption information is readily available is the county level.

Cumulative development in San Luis Obispo County would increase demand for energy resources. However, the City's Clean Energy Choice Program for New Buildings, which includes incentives and local amendments to the 2019 California Energy Code, and new iterations of the California Building Energy Efficiency Standards and CALGreen would require increasingly more efficient appliances and building materials that reduce energy consumption in new development in the City of San Luis

Obispo. In addition, county-wide vehicle fuel efficiency is anticipated to continue improving through implementation of the existing Pavley regulations under AB 1493, and implementation of the San Luis Obispo Council of Governments 2019 Regional Transportation Plan would reduce per capita VMT. Cumulative development in San Luis Obispo County will also be required to be consistent with applicable provisions of the SLOCOG Regional Transportation Plan/Sustainable Communities Strategy and with the San Luis Obispo County EnergyWise Plan, which implements the county's greenhouse gas emissions reduction goals established in the County's General Plan Conservation and Open Space Element.

New development on the project site would be constructed in accordance with the City's Clean Energy Choice Program for New Buildings, California Building Energy Efficiency Standards, and CALGreen and would include energy-saving features that would reduce the potential for wasteful, inefficient, and unnecessary consumption of energy resources. As a result, the project would not have a cumulatively considerable contribution to a significant cumulative impact related to the wasteful, inefficient, and unnecessary consumption of energy resources.

4.5 Greenhouse Gas Emissions

This section analyzes the effects of the proposed project on climate change, by considering the project's potential to result in new greenhouse gas (GHG) emissions. The analysis in this section considers both the temporary impacts relating to construction activity combined with potential long-term impacts associated with project operation. The analysis is based in part on modeling using the California Emissions Estimator Model (CalEEMod) and a CEQA Transportation Impact Analysis Memorandum prepared for the project by Central Coast Transportation Consulting in October 2020. Modeling outputs are included in Appendix C and the CEQA Transportation Impact Analysis Memorandum is included in Appendix B of this EIR.

4.5.1 Environmental Setting

Climate change is commonly summarized as the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and the extremity of storms) over an extended period. The overarching concern with this is that such changes are contributing to the melting of glaciers on a global scale, and when those glaciers are on land (such as in Greenland or Antarctica), the melted ice leads to sea level rise. This in turn gives rise to a variety of environmental and planning impacts, particularly in coastal regions across the globe. However, the unpredictability and severity of the extreme weather events associated with climate change have important ramifications throughout the world, including inland areas.

The term "climate change" is often used interchangeably with the term "global warming," but climate change is preferred because it conveys that other changes are happening in addition to rising temperatures on a global scale. The baseline against which these changes are measured originates in historical records that identify temperature changes that occurred in the past, such as during previous ice ages. The global climate is changing continuously, as evidenced in the geologic record which indicates repeated episodes of substantial warming and cooling. The rate of change has typically been incremental, with warming or cooling trends occurring over the course of thousands of years. The past 10,000 years have been marked by a period of incremental warming, as glaciers have steadily retreated across the globe. However, scientists have observed acceleration in the rate of warming over the past 150 years, and in the last 50 years in particular. The United Nations Intergovernmental Panel on Climate Change (IPCC) expressed a high degree of confidence (95 percent or greater chance) that the global average net effect of human activities has been the dominant cause of warming since the mid-twentieth century (IPCC 2014a, 2018).

Gases that absorb and re-emit infrared radiation in the atmosphere are called GHGs. The gases widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO_2), methane (CH_4), nitrous oxides (N_2O), fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere, and natural processes, such as oceanic evaporation, largely determine its atmospheric concentrations.

GHGs are emitted by natural processes and human activities. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are usually by-products of fossil fuel combustion, and CH_4 results from off-gassing associated with agricultural practices and landfills. Human-made GHGs, many of which have greater heat-absorption potential than CO_2, include fluorinated gases and SF_6 (United States Environmental Protection Agency [US EPA] 2020a).

Different types of GHGs have varying global warming potentials (GWP). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO_2) is used to relate the amount of heat absorbed to the amount of the gas emitted, referred to as "carbon dioxide equivalent" (CO_2e), which is the amount of GHG emitted multiplied by its GWP. Carbon dioxide has a 100-year GWP of one. By contrast, methane has a GWP of 28 over 100 years and over 80 times over 20 years (IPCC 2014b).[1]

The accumulation of GHGs in the atmosphere regulates the earth's temperature. Without the natural heat-trapping effect of GHGs, the earth's surface would be about 33 degrees Celsius (°C) cooler (World Meteorological Organization 2020). However, since 1750, estimated concentrations of CO_2, CH_4, and N_2O in the atmosphere have increased by 36 percent, 148 percent, and 18 percent, respectively, primarily due to human activity (Forster et al. 2007). GHG emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of concentrations that occur naturally.

The primary human activities that emit GHGs include the electric power industry, transportation, industrial/manufacturing, agricultural, commercial, and residential uses (U.S. Energy Information Administration [U.S. EIA] 2020). The main sources of GHGs due to human activity include the combustion of fossil fuels and deforestation (loss of CO_2 sequestration); livestock and rice paddy farming, wetland depletions, and landfill emissions (CH_4); refrigeration systems and fire suppression systems use and manufacturing (CFCs); and agricultural activities, including the use of fertilizers (NO_x) (US EPA 2020b).

In 2017, the State of California produced approximately 360.9 million metric tons of CO_2e emissions from fossil fuel combustion. Sector sources of these CO_2e emissions are as follows: transportation (60.2 percent), industry (18.5 percent), electricity generation (9.1 percent), residential (7.0 percent), and commercial (5.3 percent) (U.S. EIA 2020). In 2016, the City's emissions amounted to 339,290 metric tons (MT) of CO_2e, an approximately 12 percent reduction compared to the City's 2005 GHG inventory which amounted to 386,630 MT CO_2e. In 2016, GHG emissions in the City were from transportation (63 percent), commercial and industrial energy (electricity and natural gas) (13 percent), residential energy (electricity and natural gas) (11 percent), and solid waste (13 percent), (City of San Luis Obispo 2020).

Climate change has already impacted the City and will continue to affect an increasing range of resource areas, including hydrological and biological resources. Projected impacts to the region caused by climate change include rising sea levels, coastal flooding, increased tsunami hazards, drought, increased fire frequency, size, and severity, and sediment transportation and deposition-related impacts on aquatic ecosystems (California Natural Resources Agency 2018).

[1] The IPCC's (2014b) *Fifth Assessment Report* determined that methane has a GWP of 28. However, modeling of GHG emissions was completed using the California Emissions Estimator Model version 2016.3.2, which uses a GWP of 25 for methane, consistent with the IPCC's (2007) *Fourth Assessment Report*.

4.5.2 Regulatory Setting

a. Federal Regulations

Federal Clean Air Act

The U.S. Supreme Court determined in *Massachusetts et al. v. Environmental Protection Agency et al.* ([2007] 549 U.S. 05-1120) that the US EPA has the authority to regulate motor vehicle GHG emissions under the federal Clean Air Act. The US EPA issued a Final Rule for mandatory reporting of GHG emissions in October 2009. This Final Rule applies to fossil fuel suppliers, industrial gas suppliers, direct GHG emitters, and manufacturers of heavy-duty and off-road vehicles and vehicle engines and requires annual reporting of emissions. In 2012, the US EPA issued a Final Rule that established the GHG permitting thresholds that determine when Clean Air Act permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities.

In *Utility Air Regulatory Group v. Environmental Protection Agency* (134 Supreme Court 2427 [2014]), the U.S. Supreme Court held the US EPA may not treat GHGs as an air pollutant for purposes of determining whether a source can be considered a major source required to obtain a Prevention of Significant Deterioration or Title V permit. The Court also held that Prevention of Significant Deterioration permits otherwise required based on emissions of other pollutants may continue to require limitations on GHG emissions based on the application of Best Available Control Technology.

Safer Affordable Fuel-Efficient Vehicles Rule

On September 27, 2019, the US EPA and the National Highway Traffic Safety Administration published the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program. The SAFE Rule Part One revokes California's authority to set its own GHG emissions standards and to adopt its own zero-emission vehicle mandates. On April 30, 2020, the US EPA and the National Highway Traffic Safety Administration published Part Two of the SAFE Vehicles Rule, which revised corporate average fuel economy and CO_2 emissions standards for passenger cars and trucks of model years 2021-2026 such that the standards increase by approximately 1.5 percent each year through model year 2026 as compared to the approximately five percent annual increase required under the 2012 standards (National Highway Traffic Safety Administration 2021). To account for the effects of the SAFE Vehicles Rule, CARB released off-model adjustment factors on June 26, 2020 to adjust GHG emissions outputs from the EMFAC model (CARB 2020).

b. State Regulations

CARB is responsible for the coordination and oversight of state and local air pollution control programs in California. There are numerous regulations aimed at reducing the state's GHG emissions. These initiatives are summarized below. For more information on the Senate and Assembly Bills, executive orders, building codes, and reports discussed below, and to view reports and research referenced below, please refer to the following websites: https://www.energy.ca.gov/data-reports/reports/californias-fourth-climate-change-assessment, www.arb.ca.gov/cc/cc.htm, and https://www.dgs.ca.gov/BSC/Codes.

California Advanced Clean Cars Program

Assembly Bill (AB) 1493 (2002), California's Advanced Clean Cars program (referred to as "Pavley"), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, the US EPA granted the waiver of Clean Air Act preemption to California for its GHG emission standards for motor vehicles, beginning with the 2009 model year, which allows California to implement more stringent vehicle emission standards than those promulgated by the US EPA. Pavley I regulates model years from 2009 to 2016 and Pavley II, now referred to as "LEV (Low Emission Vehicle) III GHG," regulates model years from 2017 to 2025. The Advanced Clean Cars program coordinates the goals of the LEV, Zero Emissions Vehicles (ZEV), and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, the rules will be fully implemented, and new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels (CARB 2011).

California Global Warming Solutions Act of 2006 (AB 32 and SB 32)

The "California Global Warming Solutions Act of 2006," (AB 32), outlines California's major legislative initiative for reducing GHG emissions. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main state strategies for reducing GHG emissions to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 target of 431 MMT CO_2e, which was achieved in 2016. CARB approved the Scoping Plan on December 11, 2008, which included GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among others (CARB 2008). Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since the Scoping Plan's approval.

CARB approved the 2013 Scoping Plan update in May 2014. The update defined CARB's climate change priorities for the next five years, set the groundwork to reach post-2020 statewide goals, and highlighted California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluated how to align the state's longer term GHG reduction strategies with other state policy priorities, including those for water, waste, natural resources, clean energy, transportation, and land use (CARB 2014).

On September 8, 2016, the governor signed Senate Bill (SB) 32 into law, extending the California Global Warming Solutions Act of 2006 by requiring the state to further reduce GHG emissions to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, and implementation of recently adopted policies and legislation, such as SB 1383 and SB 100 (discussed later). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally-appropriate quantitative thresholds consistent with statewide per capita goals of six MT CO_2e by 2030 and two MT CO_2e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, sub-

regional, or regional level), but not for specific individual projects because they include all emissions sectors in the state (CARB 2017).

Senate Bill 375

The Sustainable Communities and Climate Protection Act of 2008 (SB 375), signed in August 2008, enhances the state's ability to reach AB 32 goals by directing CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. SB 375 aligns regional transportation planning efforts, regional GHG reduction targets, and affordable housing allocations. Metropolitan Planning Organizations (MPOs) are required to adopt a Sustainable Communities Strategy (SCS), which allocates land uses in the MPO's Regional Transportation Plan (RTP). Qualified projects consistent with an approved SCS or Alternative Planning Strategy (categorized as "transit priority projects") can receive incentives to streamline CEQA processing.

On March 22, 2018, CARB adopted updated regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. The San Luis Obispo Council of Governments (SLOCOG) was assigned targets of a 3 percent reduction in per capita GHG emissions from passenger vehicles by 2020 and a 11 percent reduction in per capita GHG emissions from passenger vehicles by 2035. The SLOCOG 2019 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) was adopted in June 2019 and complies with SB 375.

Senate Bill 1383

Adopted in September 2016, SB 1383 (Lara, Chapter 395, Statues of 2016) requires CARB to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants. SB 1383 requires the strategy to achieve the following reduction targets by 2030:

- Methane – 40 percent below 2013 levels
- Hydrofluorocarbons – 40 percent below 2013 levels
- Anthropogenic black carbon – 50 percent below 2013 levels

SB 1383 also requires the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with CARB, to adopt regulations that achieve specified targets for reducing organic waste in landfills.

Senate Bill 100

Adopted on September 10, 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the state's Renewables Portfolio Standard (RPS) Program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

Executive Order B-55-18

On September 10, 2018, the former Governor Brown issued Executive Order (EO) B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

California Building Standards Code

The California Code of Regulations (CCR) Title 24 is referred to as the California Building Standards Code. It consists of a compilation of several distinct standards and codes related to building construction including plumbing, electrical, interior acoustics, energy efficiency, and handicap accessibility for persons with physical and sensory disabilities. The current iteration is the 2019 Title 24 standards. The California Building Standards Code's energy-efficiency and green building standards are outlined below.

PART 6 – BUILDING ENERGY EFFICIENCY STANDARDS/ENERGY CODE

CCR Title 24, Part 6 is the Building Energy Efficiency Standards or California Energy Code. This code, originally enacted in 1978, establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy demand. New construction and major renovations must demonstrate their compliance with the current Energy Code through submittal and approval of a Title 24 Compliance Report to the local building permit review authority and the California Energy Commission (CEC). The 2019 Title 24 standards are the applicable building energy efficiency standards for the project because they became effective on January 1, 2020.

PART 11 – CALIFORNIA GREEN BUILDING STANDARDS

The California Green Building Standards Code, referred to as CALGreen, was added to Title 24 as Part 11, first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 California Building Standards Code). The 2019 CALGreen includes mandatory minimum environmental performance standards for all ground-up new construction of residential and non-residential structures. It also includes voluntary tiers (Tiers I and II) with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory CALGreen standards and may adopt additional amendments for stricter requirements.

The mandatory standards require:

- 20 percent reduction in indoor water use relative to specified baseline levels;[2]
- 65 percent construction/demolition waste diverted from landfills;
- Inspections of energy systems to ensure optimal working efficiency;
- Low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particleboards;
- Dedicated circuitry to facilitate installation of electric vehicle charging stations in newly constructed attached garages for single-family and duplex dwellings; and
- Installation of electric vehicle charging stations at least three percent of the parking spaces for all new multi-family developments with 17 or more units.

The voluntary standards require:

- **Tier I:** stricter energy efficiency requirements, stricter water conservation requirements for specific fixtures, 65 percent reduction in construction waste with third-party verification, 10

[2] Similar to the compliance reporting procedure for demonstrating Energy Code compliance in new buildings and major renovations, compliance with the CALGreen water-reduction requirements must be demonstrated through completion of water use reporting forms. Buildings must demonstrate a 20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified in CALGreen or a reduced per-plumbing-fixture water use rate.

percent recycled content for building materials, 20 percent permeable paving, 20 percent cement reduction, and cool/solar reflective roof; and

- **Tier II:** stricter energy efficiency requirements, stricter water conservation requirements for specific fixtures, 75 percent reduction in construction waste with third-party verification, 15 percent recycled content for building materials, 30 percent permeable paving, 25 percent cement reduction, and cool/solar reflective roof.

Executive Order N-79-20

On September 23, 2020, Governor Newsom issued EO N-79-20, which established the following new statewide goals:

- All new passenger cars and trucks sold in-state to be zero-emission by 2035;
- All medium- and heavy-duty vehicles in the state to be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks; and
- All off-road vehicles and equipment to be zero-emission by 2035 where feasible.

EO N-79-20 directs CARB, the Governor's Office of Business and Economic Development, the CEC, the California Department of Transportation, and other state agencies to take steps toward drafting regulations and strategies and leveraging agency resources toward achieving these goals.

c. Local Regulations

City of San Luis Obispo Climate Action Plan

The City's Climate Action Plan (CAP), adopted by Resolution No. 11159 in August 2020, is an update to the City's prior 2012 CAP. The 2020 CAP is a strategic document based on the idea that effective global solutions to climate change will largely be the result of collective action of local communities and governments. The 2020 CAP enables the City to maintain local control of implementing state direction to reduce GHG emissions to 1990 levels by 2020 (AB 32) and to 40 percent below 1990 levels by 2030 (SB 32). The 2020 CAP also sets a goal of carbon neutrality by 2035. The adjusted GHG emissions forecast shows that implementation of all strategies in this plan can achieve a 204,330 MT CO_2e reduction from 2005 baseline levels by 2030, which will meet required SB 32 state reduction goals. The 2020 CAP includes strategies that can achieve 40 percent reduction from baseline levels by 2030, which will meet required SB 32 state reduction goals, and identifies six pillars for achieving citywide carbon neutrality by the year 2035. The 2020 CAP identifies measures and policies applicable to development within the City for reducing carbon emissions from various sources, including energy consumption, transportation, and organic waste disposal, to achieve this target.

Clean Energy Choice Program for New Buildings

In August 2020, the City developed local amendments to the 2019 California Building Code (CBC) to encourage all-electric new buildings. The amended CBC, as codified in Municipal Code Section 15.04.110, allows all-electric new buildings to be built to minimum code standards and requires mixed-fuel buildings to be substantially more efficient or include additional solar generation or battery storage. The program also requires solar on nonresidential buildings. When paired with Central Coast Community Energy's (formerly Monterey Bay Community Power) clean electricity supply, all electric new buildings have very low operational emissions and avoid health and safety issues associated with fossil fuels and GHGs. The City Council approved the Clean Energy Choice

Program for New Buildings in June 2020. With this approval, the City joins more than 50 other California communities currently considering ways to encourage cleaner buildings. Unlike some cities that are banning natural gas entirely, the Clean Energy Choice Program for New Buildings will provide options to people who want to develop new buildings with natural gas.

County of San Luis Obispo Clean Air Plan

SLOAPCD first adopted the Clean Air Plan in January 1992; the Clean Air Plan was updated in 1998, and again in 2001. The Clean Air Plan is a comprehensive planning document designed to reduce emissions from traditional industrial and commercial sources. The Clean Air Plan also aims to reduce emissions from motor vehicles by establishing goals and targets for reducing personal vehicle trips and trip lengths, such as encouraging or promoting multimodal alternatives. The purpose of the Clean Air Plan is to address the attainment and maintenance of state and federal ambient air quality standards by following a comprehensive set of emission control measures within the plan.

City of San Luis Obispo General Plan

The City also addresses GHG emissions through adopted General Plan policies and programs. The policies are found in the Land Use Element, the Circulation Element, and the Conservation and Open Space Element.

The following Land Use Element policies define the local regulatory setting related to GHG emissions and climate change:

Policy 1.1.1. Growth Management Objectives. The City shall manage its growth so that:

A. The natural environment and air quality will be protected.

Policy 1.5. Jobs/Housing Relationship. The gap between housing demand (due to more jobs and college enrollment) and supply should not increase.

Policy 1.8.1 Open Space Protection. Within the City's planning area and outside the urban reserve line, undeveloped land should be kept open. Prime agricultural land, productive agricultural land, and potentially productive agricultural land should be protected for farming. Scenic lands, sensitive wildlife habitat, and undeveloped prime agricultural land should be permanently protected as open space.

Policy 2.2.4. Neighborhood Connections. The City shall provide all areas with a pattern of streets, pedestrian network, and bicycle facilities that promote neighborhood and community cohesiveness. There should be continuous sidewalks or paths of adequate width, connecting neighborhoods with each other and with public and commercial services and public open space to provide continuous pedestrian paths throughout the city. Connectivity to nearby community facilities (such as parks and schools), open space, and supporting commercial areas shall also be enhanced, but shall not be done in a method that would increase cut-through traffic. (See also the Circulation Element.)

Policy 2.2.6. Neighborhood Characteristics. The City shall promote livability, quiet enjoyment, and safety for all residents. Characteristics of quality neighborhoods vary from neighborhood to neighborhood, but often include one or more of the following characteristics:

- A mix of housing type styles, density, and affordability.
- Design and circulation features that create and maintain a pedestrian scale.

- Nearby services and facilities including schools, parks, retail (e.g., grocery store, drug store), restaurants and cafes, and community centers or other public facilities.
- A tree canopy and well-maintained landscaping.
- A sense of personal safety (e.g., low crime rate, short police and emergency response times).
- Convenient access to public transportation.
- Well-maintained housing and public facilities.

Policy 2.3.9. Compatible Development. The City shall require that new housing built within an existing neighborhood be sited and designed to be compatible with the character of the neighborhood. Compatibility for all development shall be evaluated using the following criteria:

F. Privacy and Solar Access. New buildings will respect the privacy and solar access of neighboring buildings and outdoor areas, particularly where multistory buildings or additions may overlook backyards of adjacent dwellings. (See also the City's Conservation and Open Space Element.)

The following Circulation Element policies define the local regulatory setting related to GHG emissions and climate change:

Policy 4.1.1. Bicycle Use. The City shall expand the bicycle network and provide end-of-trip facilities to encourage bicycle use and to make bicycling safe, convenient and enjoyable.

Policy 4.1.3. Continuous Network. The City shall collaborate with SLO County to coordinate planning and development of county bikeways to support a regional bike network and identify and acquire additional rights of way in the City as they become available.

Policy 4.1.4. New Development. The City shall require that new development provide bikeways, secure bicycle storage, parking facilities and showers consistent with City plans and development standards. When evaluating transportation impacts, the City shall use a Multimodal Level of Service analysis.

Policy 6.1.1. Complete Streets. The City shall design and operate city streets to enable safe, comfortable, and convenient access and travel for users of all abilities including pedestrians, bicyclists, transit users, and motorists.

The following Conservation and Open Space Element policies define the local regulatory setting related to GHG emissions and climate change:

Policy 4.3.1. Use of best available practices. The City will employ the best available practices in energy conservation, procurement, use and production, and will encourage individuals, organizations and other agencies to do likewise. "Best available practices" means behavior and technologies that reflect recommendations of specialists and that use the least energy for a desired outcome, considering available equipment, life-cycle costs, social and environmental side effects, and the regulations of other agencies. Best available practices include use of sustainable sources. Sustainable sources are naturally renewed in a relatively short time and avoid substantial undesirable side effects.

Policy 4.3.4. Use of energy efficient, renewable energy sources. The City will promote the use of cost effective, renewable, non-depleting energy sources wherever possible, both in new construction projects and in existing buildings and facilities.

Policy 4.3.6. Energy efficiency and Green Building in new development. The City shall encourage energy-efficient "green buildings" as certified by the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Program or equivalent certification, as further described in Chapter 5.5.7.

Policy 4.4.3. Compact, high-density housing. The City will promote higher-density, compact housing to achieve more efficient use of public facilities and services, land resources, and to improve the jobs/housing balance.

Policy 4.4.4. Solar access. Encourage the provision for and protection of solar access.

4.5.3 Impact Analysis

a. Methodology

Calculations of CO_2, CH_4, and N_2O emissions are provided to identify the magnitude of potential project effects. The analysis focuses on CO_2, CH_4, and N_2O because these make up 98 percent of all GHG emissions by volume and are the GHG emissions the project would emit in the largest quantities (IPCC 2014a). Emissions of all GHGs are converted into their equivalent GWP in terms of CO_2 (i.e., CO_2e). Minimal amounts of other GHGs (such as chlorofluorocarbons [CFCs]) would be emitted; however, these other GHG emissions would not substantially contribute to the total GHG emissions in terms of CO_2e. GHG emissions associated with the proposed project were estimated using CalEEMod version 2016.3.2 (see Appendix C for calculations). The project GHG emissions estimate is based on the methodologies discussed in the California Air Pollution Control Officers Association (CAPCOA) CEQA and Climate Change white paper (CAPCOA 2008).

Construction Emissions

Construction activities emit GHGs primarily though combustion of fuels (primarily diesel) in the engines of off-road construction equipment, on-road construction vehicles (e.g., water and material delivery trucks), and the commute vehicles of construction workers. Smaller amounts of GHGs are emitted indirectly through the energy required for water used for fugitive dust control and lighting for the construction activity. Every phase of the construction process, including demolition, grading, paving, and building, emits GHG emissions in volumes proportional to the quantity and type of construction equipment used. Heavier equipment typically emits more GHGs per hour than lighter equipment because of its engine design and greater fuel consumption requirements.

CalEEMod estimates construction emissions by multiplying the time equipment is operating by emission factors. Construction was modeled over two phases, which was represented in CalEEMod by using the construction dates for each phase provided by the applicant. Building construction was modeled as one phase, as the building construction for Phase 2 begins immediately after building construction for Phase 1 ends. Construction would begin in July 2022 and would be operational in 2026. Although construction activity is addressed in this analysis, CAPCOA does not discuss whether any of the suggested threshold approaches adequately address impacts from temporary construction activity. As stated in the *CEQA and Climate Change* white paper, "more study is needed to make this assessment or to develop separate thresholds for construction activity" (CAPCOA 2008). Nevertheless, air districts such as SLOAPCD have recommended amortizing construction-related emissions over the life of the project (50 years for residential projects and 25 years for commercial projects) in conjunction with the proposed project's operational emissions (SLOAPCD 2012).

The construction of transportation improvements identified in Section 2, *Project Description*, were modeled separately due to the unknown construction timeline of these improvements. A total size of approximately 3.1 acres was assumed for the proposed roundabout and frontage improvements. Default construction phase timing and construction equipment were used for site preparation, grading, and paving phases.

Operational Emissions

Operation of the project would emit GHGs through a variety of uses and processes, including area sources, energy consumption, mobile sources/transportation, water and wastewater conveyance, and solid waste. Each of these sources of operational GHG emissions is discussed in detail below.

AREA SOURCE EMISSIONS

Emissions associated with area sources, including consumer products, landscape maintenance, and architectural coating, were estimated in CalEEMod based on standard emission rates for GHGs from CARB, US EPA, and emission factor values provided by the local air district (CAPCOA 2017).

ENERGY USE EMISSIONS

GHGs are emitted as leaked methane across the natural gas transmission and distribution system, on-site during the combustion of natural gas for space and water heating, and off-site during the generation of electricity from fossil fuels in power plants. Per the City's Clean Energy Choice Program, the project would construct all-electric buildings that would not rely on natural gas as an energy source. CalEEMod estimates GHG emissions from energy use by multiplying average rates of residential and non-residential energy consumption by the quantities of residential units and non-residential square footage entered in the land use module to obtain total projected energy use. This value is then multiplied by electricity and natural gas GHG emission factors applicable to the project location and utility provider.

Building energy use is typically divided into energy consumed by the built environment and energy consumed by uses that are independent of the building, such as plug-in appliances. Non-building energy use, or "plug-in energy use," can be further subdivided by specific end-use (refrigeration, cooking, office equipment, etc.). In California, Title 24 governs energy consumed by the built environment, mechanical systems, and some types of fixed lighting.

Electricity emissions are calculated by multiplying the energy use times the carbon intensity of the utility district per kilowatt hour (CAPCOA 2017). The project would have the option to be served by Central Coast Community Energy, which provides low-carbon electricity via Pacific Gas & Electric (PG&E) transmission lines. However, because it is uncertain if the project would obtain electricity from Central Coast Community Energy or PG&E, PG&E's specific energy intensity factors (i.e., the amount of CO_2, CH_4, and N_2O per kilowatt-hour) are used in the calculations of GHG emissions, to provide a conservative analysis. The energy intensity factors included in CalEEMod are based on 2008 data by default at which time PG&E had only achieved a 12.4 percent procurement of renewable energy. Per SB 100, the statewide Renewable Portfolio Standard (RPS) Program requires electricity providers to increase procurement from eligible renewable energy sources to 60 percent by 2030. To account for the continuing effects of the RPS, the energy intensity factors included in CalEEMod were reduced based on the percentage of renewables reported by PG&E. PG&E energy intensity factors that include this reduction are shown in Table 4.5-1.

Table 4.5-1 PG&E Energy Intensity Factors

	2008 or 2018 (lbs/MWh)	2030 (lbs/MWh)[3]
Percent procurement	12.4%[1]	60.0%
Carbon dioxide (CO_2)[1]	641.35	122.99
Methane (CH_4)[2]	0.029	0.013
Nitrous oxide (N_2O) [2]	0.006	0.003

[1] Source: 2018 data from PG&E 2020, 2021

[2] Source: 2008 data from California Public Utilities Commission 2011

[2] RPS goal established by SB 100

Energy from non-residential uses was reduced by 30 percent to account for the requirements of 2019 Title 24 standards (California Energy Commission 2019).

In accordance with Section 150.1(b)14 of the 2019 Building Energy Efficiency Standards, all new residential uses under three stories must install photovoltaic (PV) solar panels that generate an amount of electricity equal to expected electricity usage, resulting in reduced electricity requirements from off-site electricity providers. Based on the calculation method contained in Section 150.1(b)14, the project would be required to include 343 kW of PV solar panels, which would generate approximately 652,405 kWh per year (see Appendix C). However, CalEEMod has not yet been updated to match the most recent electricity consumption data consistent with Section 150.1(b)14 standard calculations. To account for this, the residential Title 24 electricity and residential lighting electricity consumption values were set to zero in CalEEMod.[3] Additionally, as noted in Section 2.5.6, *Green Building Features*, the project would install solar panels on the proposed new buildings. However, as the total sizing of all solar panels is unknown at this time, the 2019 Building Energy Efficiency Standards solar sizing requirements are used in this analysis.

MOBILE SOURCE EMISSIONS

For mobile sources, GHG emissions were quantified in CalEEMod based on the VMT provided by Central Coast Transportation Consulting (Appendix B). The project would result in a net decrease in regional and residential VMT, as described in the CEQA Transportation Impact Analysis Memorandum (Appendix B). However, the project would result in a total VMT of 8,512 daily miles (2,975,480 annual VMT); therefore, the operational trip generation rates were adjusted to match the rates provided in Appendix B for weekday trips, and the trip lengths were adjusted accordingly to approximate the actual project VMT in CalEEMod. This provides a conservative estimate, as regional mobile GHG emissions would be expected to be reduced by the project because of the net reduction in VMT, and this reduction was not calculated by the model.

Because CalEEMod does not calculate N_2O emissions from mobile sources, N_2O emissions were quantified using guidance from CARB and the EMFAC2017 Emissions Inventory for the SLOAPCD region for the year 2030 (the next State milestone target year for GHG emission reductions) using the EMFAC2011 categories (CARB 2018a and 2019; see Appendix C for calculations).

[3] This provides higher accuracy when estimating GHG emissions related to electricity consumption, as the residential Title 24 electricity and lighting electricity requirements would be equivalent to the solar-generated electricity from the project.

WATER AND WASTEWATER EMISSIONS

Water used and wastewater produced by a project generate indirect GHG emissions as a result of the energy used to supply, convey, and treat water and wastewater. In addition to the indirect GHG emissions associated with energy use, the wastewater treatment process itself also directly emits both CH_4 and N_2O.

The indoor and outdoor water use consumption data for each land use subtype comes from the Pacific Institute's *Waste Not, Want Not: The Potential for Urban Water Conservation in California* (2003).[4] Based on that report, a percentage of total water consumption was dedicated to landscape irrigation, which is used to determine outdoor water use. Wastewater generation was similarly based on a reported percentage of total indoor water use.

New development is subject to CALGreen, which requires a 20 percent increase in indoor water use efficiency. Thus, in order to account for compliance with CALGreen, a 20 percent reduction in indoor water use was included in the water consumption calculations for new development. In addition to water reductions associated with building code compliance, the GHG emissions from the energy used to transport the water for new development account for compliance with the state's Renewables Portfolio Standards Program as discussed earlier under *Energy Use Emissions*.

SOLID WASTE EMISSIONS

The disposal of solid waste produces GHG emissions from the transportation of waste, anaerobic decomposition in landfills, and incineration. To calculate the GHG emissions generated by solid waste disposal, the total volume of solid waste was calculated using waste disposal rates identified by CalRecycle. The methods for quantifying GHG emissions from solid waste are based on the IPCC method, using the degradable organic content of waste. GHG emissions associated with the project's waste disposal were calculated using these parameters. As of 2016, California had achieved a statewide 44 percent diversion of solid waste from landfills through "reduce/recycle/compost" programs (CalRecycle 2020).

Service Population

The project's per person GHG emissions were calculated by dividing total GHG emissions by the project's service population (residents plus employees). Average household size varies throughout California; therefore, the service population attributed to this project is based on average household size data specific to the City of San Luis Obispo. The average household size in the City of San Luis Obispo is 2.22 persons per household. As such, the project would potentially add an estimated 622 residents (280 units x 2.22 persons per unit) to the City. The project would also provide new employment opportunities. Based on employment generation rates for retail uses from the SLOAPCD *CEQA Air Quality Handbook* (SLOAPCD 2012), the potential new commercial floor area under the proposed project would result in a net increase of approximately 17 new employees (1.39 employees per 1,000 square feet of space). Therefore, the project would have a total service population of 639 people.

b. Thresholds of Significance

The following thresholds are based on Appendix G of the *State CEQA Guidelines*. Impacts would be significant if the project would:

[4] California Emissions Estimator Model User Guide, Appendix D (CAPCOA 2017)

a. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment;
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The vast majority of individual projects do not generate sufficient GHG emissions to directly influence climate change. However, physical changes caused by a project can contribute incrementally to significant cumulative effects, even if individual changes resulting from a project are limited. As a result, the issue of climate change typically involves an analysis of whether a project's contribution towards an impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines Section 15064[h][1]).

The qualitative threshold option is based on a consistency analysis in comparison to a Qualified GHG Reduction Strategy, or equitably similar adopted policies, ordinances and programs. If a project complies with a Qualified GHG Reduction Strategy that is specifically applicable to the project, then the project would be considered less than significant. The 2020 CAP, which is based on SB 32 GHG emissions reduction goals, serves as the City's Qualified GHG Reduction Strategy, consistent with SLOAPCD guidance and CEQA Guidelines Section 15183.5(b), which allows for streamlining of the GHG impacts analysis of projects that are consistent with the2020 CAP. This EIR includes an analysis of the project's conformance with the City's adopted 2020 CAP. Therefore, the project's contribution to cumulative impacts related to GHG emissions and climate change would be cumulatively considerable if the project would be inconsistent with the City's 2020 CAP.

Attachment C to the City's 2020 CAP provides guidelines for determining a project's consistency with the 2020 CAP, and also provides quantitative GHG emission efficiency thresholds for residential, non-residential, and mixed-use projects. Projects that are consistent with the demographic forecasts and land use assumptions used in the 2020 CAP can use the City's CEQA GHG Emissions Analysis Compliance Checklist to demonstrate consistency with the 2020 CAP's GHG emissions reduction strategy, and if consistent, can tier from the existing programmatic environmental review contained in the adopted Initial Study-Negative Declaration (IS-ND) for the 2020 CAP. Projects that are not consistent with the demographic forecasts and land use assumptions should then consider if the project would reduce GHG emissions compared to existing on-site conditions. Projects that would result in reduced GHG emissions can also use the City's CEQA GHG Emissions Analysis Compliance Checklist to demonstrate consistency with the 2020 CAP. Projects that would not result in reduced GHG emissions are required to quantify project GHG emissions and compare the emissions to the 2020 CAP's provided efficiency threshold for the appropriate project type.

The demographic forecasts and land use assumptions of the 2020 CAP are based on the Land Use and Circulation Elements of the City's 2014 General Plan. The project site is located within the Airport Area Specific Plan (AASP) and is currently designated Business Park (BP) with a small portion of the property within the Conservation Open Space (C/OS) zone. This land use designation would allow up to approximately 101,500 square feet of business park development. The project proposes 280 residential units and 12,500 square feet of commercial uses, which is a different development type than assumed under the 2014 General Plan. The 2014 General Plan did not assume any population increases on the project site, as business park development is not associated with residential occupancy of the site. Therefore, the project would be inconsistent with the

demographic forecasts and land use assumptions in the 2014 General Plan for project site development, due to the proposed rezoning and change in land use designation.

If a project is not consistent with the 2014 General Plan land use and zoning designations of the project site and would result in either new development of undeveloped land or redevelopment with higher GHG emissions than existing on-site development, the project cannot use the CEQA GHG Emissions Analysis Compliance Checklist to tier from the adopted IS-ND for the 2020 CAP. Instead, the project's GHG emissions can be evaluated using the 2020 CAP's quantitative GHG thresholds to evaluate the significance of the project's GHG emissions. Because the project would not be consistent with the 2014 General Plan land use designation and would result in more intensive redevelopment of the project site, GHG emissions were quantified using CalEEMod. The following impact analysis describes the GHG emissions generated during project construction and operation and compares those emissions to the 2020 CAP's efficiency threshold of 0.9 MT CO_2e service person per year for mixed-use projects.

c. Impact Analysis

Threshold a:	Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
Threshold b:	Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Impact GHG-1 CONSTRUCTION AND OPERATION OF THE PROPOSED PROJECT WOULD GENERATE TEMPORARY AND LONG-TERM INCREASES IN GHG EMISSIONS. THE PROPOSED PROJECT WOULD CONFLICT WITH THE CITY OF SAN LUIS OBISPO'S 2020 CAP BECAUSE PROJECT GHG EMISSIONS WOULD EXCEED THE EFFICIENCY THRESHOLD PROVIDED IN THE 2020 CAP. THIS IMPACT WOULD BE SIGNIFICANT AND UNAVOIDABLE, DESPITE RECOMMENDED GHG REDUCTION MEASURES.

Construction

Construction of the project would generate temporary GHG emissions primarily as a result of operation of construction equipment on-site as well as from vehicles transporting construction workers to and from the project site and heavy trucks to transport building materials and soil export. As shown in Table 4.5-2, construction would generate an estimated total of 3,084 MT CO_2e. Amortized over a 25-year period per SLOAPCD guidance, construction would generate an estimated 123 MT CO_2e per year.

Table 4.5-2 Estimated GHG Emissions during Construction

Year	Annual Emissions (MT of CO_2e)
2022	285
2023	941
2024	1,074
2025	784
Total	**3,084**
Amortized over 25 years	**123**

MT = metric tons; CO_2e = carbon dioxide equivalents

Note: Years 2022 and 2023 include both project and transportation improvement GHG emission output data.

See Appendix C for GHG emissions modeling output files.

Operation

Operation of the project would generate GHG emissions associated with area sources (e.g., landscape maintenance), energy and water usage, vehicle trips, and wastewater and solid waste generation. As shown in Table 4.5-3, the project's annual operational emissions combined with amortized construction emissions would total approximately 1,183 MT CO_2e per year, or approximately 1.9 MT CO_2e per service person per year, which would exceed the City 2020 CAP efficiency threshold of 0.9 MT CO_2e per service person per year.

Table 4.5-3 Combined Annual GHG Emissions

Emission Source	Annual Emissions (MT CO_2e per year)
Construction	123
Operational	
Area	6
Energy (CalEEMod)[1]	64
Energy (Electricity Replacing Natural Gas)[2]	40
Solid Waste	72
Water	30
Mobile (CO_2 and CH_4)	861
Mobile (NO_2)	17
Total Emissions	**1,183**
Service Population (Residents + Employees)	639
Emissions per Service Person[3]	**1.9**
Efficiency Threshold	0.9
Threshold Exceeded?	**Yes**

[1] The project would have the option to use energy from Central Coast Community Energy, which provides carbon-free electricity. This estimate assumes the project would use electricity from PG&E, to provide a conservative analysis.

[2] The project would not use natural gas; however, the energy that would have been supplied by natural gas would be supplied by electricity. Calculations related to this energy source conversion are provided in Appendix C.

[3] Project emissions per service person rounded up from 1.95 to provide a conservative estimate.

Notes: Emissions modeling was completed using CalEEMod. See Appendix C for modeling results.

As discussed in Section 4.5.3(b), Thresholds of Significance, the proposed project is not consistent with the 2014 General Plan land use designation for the project site because the project includes a Rezone and General Plan Amendment. As a result, this impact analysis compares the project's potential GHG emissions to the 2020 CAP's efficiency threshold of 0.9 MT CO_2e per service person per year for mixed-use projects. As shown in Table 4.5-3, project-generated GHG emissions would exceed the City 2020 CAP's quantitative GHG efficiency thresholds. Per the City's 2020 CAP guidelines, if a project exceeds the quantitative GHG thresholds, it would not be consistent with the 2020 CAP and would result in a significant impact.

Mitigation Measures

GHG-1(a) GHG Reduction Program

The project applicant shall prepare and implement a Greenhouse Gas Reduction Program (GGRP) that includes on-site GHG reduction measures to reduce the project's total remaining GHG emissions to 0.9 MT of CO_2e per service person per year or less. Potential options include, but would not be limited to:

- Supply 100 percent of electricity from renewable energy resources. Options include opting into PG&E's Solar Choice (opting to supply 100 percent of annual energy usage), PG&E's Regional Renewable Choice (opting to supply 100 percent of annual energy usage), or Central Coast Community Energy 3Cprime (which provides 100 percent renewable energy) programs.
- Install additional electric vehicle charging stations in the proposed parking areas.
- Implement a transportation demand program. Program measures may include free transit passes for residents and employees, electric rideshare vehicles for residents and employees, a bicycle sharing program, and construction of additional transit infrastructure at the project site.
- Implement a zero waste program, which may include actions such as providing various recycling, composting, and green waste bins.
- Use electric-powered construction equipment.
- Use electric-powered landscape equipment.

After implementation of all feasible on-site GHG reduction measures, the project applicant may also implement one of, or a combination of, the following off-site measures to achieve up to 50 percent of the total necessary GHG emission reductions:

- Directly undertake or fund activities that reduce or sequester GHG emissions ("Direct Reduction Activities") and retire the associated "GHG Mitigation Reduction Credits." A "GHG Mitigation Reduction Credit" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (2013). An "Approved Registry" is an accredited carbon registry that follows approved CARB Compliance Offset Protocols. At this time, Approved Registries include American Carbon Registry, Climate Action Reserve, and Verra (CARB 2018b). Credits from other sources will not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the CARB standards. In the event that a project or program providing GHG Mitigation Reduction Credits to the project applicant loses its accreditation, the project applicant shall comply with the rules

and procedures of retiring GHG Mitigation Reduction Credits specific to the registry involved and shall undertake additional direct investments to recoup the loss.

- Obtain and retire "Carbon Offsets." "Carbon Offset" shall mean an instrument issued by an Approved Registry and shall represent the past reduction or sequestration of 1 MT of CO_2e achieved by a Direct Reduction Activity or any other GHG emission reduction project or activity that is not otherwise required (CEQA Guidelines Section 15126.4[c][3]). A "Carbon Offset" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (2013). If the project applicant chooses to meet some of the GHG reduction requirements by purchasing offsets on an annual and permanent basis, the offsets shall be purchased according to the City of San Luis Obispo's preference, which is, in order of City preference: (1) within the City of San Luis Obispo; (2) within the SLOAPCD jurisdictional area; (3) within the State of California; then (4) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss.

Plan Requirements and Timing. The Applicant shall submit to the City the GHG Reduction Program that includes emissions reductions measures that would reduce the project's emissions to 0.9 MT of CO_2e per service person per year or less for review and approval prior to final design approval. The City shall verify that project plans incorporate required GHG emission reduction measures per the GHG Reduction Program prior to final design approval. Each emission reduction measure shall include a commitment enforceable by the City.

Monitoring. City permit compliance staff shall confirm inclusion of the required GHG emission reduction measures. Compliance with all components of the GHG Reduction Program shall be verified during construction and prior to issuance of a Certificate of Occupancy.

Significance After Mitigation

As shown in Table 4.5-4, implementation of Mitigation Measure GHG-1(a) could feasibly reduce GHG emissions by at least 615 MT of CO_2e per year to 1.0 MT of CO_2e per service person per year through use of renewable electricity and purchasing off-site reduction credits or carbon offsets. Additional on-site GHG emissions reductions could be achieved through use of renewable electricity, installation of electric vehicle charging stations, implementation of a transportation demand program, zero waste program, use of electric construction equipment, and use of electric landscape equipment; however, quantifying potential reductions from these additional GHG reduction measures would be speculative due to uncertainty regarding the consistent and predictable implementation of such measures. For example, the effectiveness of electric vehicle charging stations would depend on the adoption rate of electric vehicles among future residents, employees, and patrons of the proposed project. In addition, without knowing the specific transportation policies that would be included in a transportation demand management program, or future residents' response, and engagement with the program, an accurate GHG emission reduction cannot be estimated. Similarly, the effectiveness of a zero waste program would depend on future residents' participation in recycling and composting to actually achieve the zero waste goal. Similarly, the use of electric-powered construction equipment would be dependent on the

availability of such equipment for project construction, and the use of electric-powered landscape equipment would depend on the availability and feasibility of using such equipment during project operation. Therefore, these additional GHG reduction measures identified in Mitigation Measure GHG-1(a) have not been quantified to provide a conservative estimate of feasible on-site GHG emissions reductions.

Given the reduction achieved by quantifiable on-site GHG emissions reduction measures (247 MT CO_2e per year) and given the cap placed on the use of reduction credits and/or carbon offsets (no more than 50 percent of total GHG reductions, or 304 MT CO_2e per year), it is speculative at this stage to determine whether Mitigation Measure GHG-1(a) would feasibly reduce the project's emissions below the 2020 CAP's efficiency threshold of 0.9 MT of CO_2e per service person per year for mixed-use projects. Therefore, this impact would be significant and unavoidable.

Table 4.5-4 Mitigated Combined Annual GHG Emissions

Emission Source	Annual Emissions (MT of CO_2e)
Total Unmitigated Project Emissions	1,183
Mitigation Measure GHG-1(a)	
Renewable Electricity	(247)
GHG Mitigation Reduction Credits and/or Carbon Offsets	(304)
Total Mitigated Project Emissions	**632**
Project-Specific Service Population	639
Project Emissions Per Service Person	**1.0**
Locally-Applicable, Project-Specific Threshold Per Service Person	0.9
Threshold Exceeded?	**Yes**

Please note that only GHG reduction measures that are considered to achieve a feasibly calculable reduction with current project information have been included in this table.

See Appendix C for calculations of mitigation measures.

d. Cumulative Impacts

The geographic scope for related projects considered in the cumulative impact analysis for GHG emissions is global because the impacts of climate change are experienced on a global scale regardless of the location of GHG emission sources. Therefore, GHG emissions and climate change are, by definition, cumulative impacts. As discussed under Section 4.5.1, Environmental Setting, the adverse environmental impacts of cumulative GHG emissions, including sea level rise, increased average temperatures, more drought years, and more large forest fires, are already occurring. As a result, cumulative impacts related to GHG emissions are significant. Thus, the issue of climate change involves an analysis of whether a project's contribution towards an impact is cumulatively considerable. Refer to Impact GHG-1 for detailed discussions of the impacts of the proposed project related to climate change and GHG emissions. As discussed therein, the proposed project is not consistent with the 2014 General Plan land use designation for the project site, and would not meet the efficiency thresholds set by the City's 2020 CAP, and would therefore not be considered consistent with the City's 2020 CAP, due to the uncertain feasibility of recommended GHG reduction measures. Impacts from the proposed project would therefore be cumulatively considerable.

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4.6 Hazards, Hazardous Materials, and Safety

This section describes existing conditions and regulatory setting related to hazards, hazardous materials, and safety in the project area and assesses potential hazards and safety impacts that could result from implementation of the proposed project. Specifically, this analysis describes impacts related to the presence of existing hazardous materials on the project site as well as air traffic and transportation safety hazards. This section incorporates the findings of three studies of the site conducted by GeoSolutions, Inc. (included as Appendix E): a Phase I Environmental Site Assessment (ESA), dated July 31, 2020; a Preliminary Soil Sampling Assessment, dated February 15, 2021; and a Preliminary Soil Vapor Assessment, dated January 27, 2021. This section also incorporates the findings of the CEQA Transportation Impact Analysis Memorandum and Multimodal Transportation Impact Study (included as Appendix B).

4.6.1 Setting

a. Hazardous Materials

Hazardous materials are substances with physical and chemical properties of ignitability, corrosivity, reactivity, or toxicity, which may pose a threat to human health or the environment. The term "hazardous materials" is used in this section to generally describe chemical materials, such as petroleum products, solvents, pesticides, herbicides, paints, metals, asbestos, and other regulated chemical materials. Additionally, the term "release" as used in this section includes known historical spills, leaks, illegal dumping, or other methods of release of hazardous materials to soil, sediment, groundwater, or surface water. If a historical release exists, then there is a risk associated with planned development disturbing the release area.

GeoSolutions, Inc. tested soil samples and soil vapor for the presence of hazardous materials in project site soils. The results of this testing are provided in Table 4.6-1 and Table 4.6-2.

Table 4.6-1 Soil Sampling Results (mg/kg)

Analyte	Highest Sample	SWRCB Screening Level	U.S. EPA Screening Level	DTSC Screening Level	Exceeds Screening Level?
Antimony	ND	11	31	NA	No
Arsenic	**3.9**	**0.067**	**0.68**	**0.41**	**Yes**
Barium	98	390	15,000	NA	No
Beryllium	ND	5	160	16	No
Cadmium	ND	1.9	71	71	No
Chromium (1)	150	160	NA	NA	No
Chromium (2)	0.36	NA	5 (3)	560	No
Cobalt	**36**	**23**	**23**	NA	**Yes**
Copper	110	180	3,100	NA	No
Lead	21	32	400	80	No
Molybdenum	2	6.9	390	NA	No
Nickel	**95**	**86**	1,500	820	**Yes**
Selenium	ND	2.4	390	NA	No
Silver	ND	25	390	NA	No

Analyte	Highest Sample	SWRCB Screening Level	U.S. EPA Screening Level	DTSC Screening Level	Exceeds Screening Level?
Thallium	ND	0.78	0.78	NA	No
Vanadium	**150**	**18**	NA	NA	**Yes**
Zinc	**640**	**340**	23,000	NA	**Yes**
TPH Diesel	11	260	82	97	No
TPH Motor Oil	180	1,600	2,400	2,400	No

mg/kg = milligram per kilogram; NA = not applicable; ND = not detected; TPH = total petroleum hydrocarbons

Note: **Bolded** text indicates exceedances.

Source: Appendix E.

Table 4.6-2 Soil Vapor Results (µg/m³)

Analyte	Highest Sample	Water Board Screening Level	Exceeds Screening Level?
Benzene	ND	3.2	No
Toluene	15.77	10,000	No
Ethylbenzene	36.95	37	No
Xylenes	233.42	3,500	No
MTBE	ND	360	No
TPH gas	494.25	3,300	No
Methane	ND	NL	No
Hydrogen Sulfide	ND	NL	No

µg/m^3 = microgram per cubic meter; ND = not detected; MTBE = methyl tert-butyl ether; TPH = total petroleum hydrocarbons; NL = no listed threshold

Source: Appendix E.

As shown in Table 4.6-1 and Table 4.6-2, the project site exceeds the screening level established by the State Water Resources Control Board (SWRCB), U.S. Environmental Protection Agency (U.S. EPA), and/or California Department of Toxic Substance Control (DTSC) for the following contaminants:

- Arsenic (SWRCB, U.S. EPA, and DTSC screening levels)
- Cobalt (SWRCB and U.S. EPA screening levels)
- Nickel (SWRCB screening level)
- Vanadium (SWRCB screening level)
- Zinc (SWRCB screening level)

Arsenic

Arsenic is a naturally occurring element widely distributed in the earth's crust. In the environment, arsenic is combined with oxygen, chlorine, and sulfur to form inorganic arsenic compounds. Inorganic arsenic compounds are mainly used to preserve wood. Copper chromated arsenate (CCA) is used to make "pressure-treated" lumber. CCA is no longer used in the U.S. for residential uses but it is still used in industrial applications. Arsenic in animals and plants combines with carbon and hydrogen to form organic arsenic compounds. Organic arsenic compounds are used as pesticides, primarily on cotton fields and orchards (U.S. EPA 2007). Arsenic can cause health issues when inhaled, ingested, or through skin contact. Potential health effects include sore throat, irritated

lungs, nausea, vomiting, decreased production of red and white blood cells, abnormal heart rhythm, damage to blood vessels, a sensation of “pins and needles” in the hands and feet, skin darkening, “corns” or “warts” on the palms, soles, and torso, redness, swelling, and, at high enough levels, death. The ingestion of inorganic arsenic can lead to increased risk of cancer (U.S. EPA 2007).

Cobalt

Cobalt is a natural element found throughout the environment. Acute (short-term) exposure to high levels of cobalt by inhalation in humans and animals results in respiratory effects, such as a significant decrease in ventilatory function, congestion, edema, and hemorrhage of the lung. Respiratory effects are also the major effects noted from chronic (long-term) exposure to cobalt by inhalation, including respiratory irritation, wheezing, asthma, pneumonia, and fibrosis. Cardiac effects, congestion of the liver, kidneys, and conjunctiva, and immunological effects have also been noted in chronically-exposed humans (U.S. EPA 2016a).

Nickel

Nickel occurs naturally in the environment at low levels. Nickel dermatitis, consisting of itching of the fingers, hands, and forearms, is the most common effect in humans from chronic (long-term) skin contact with nickel. Respiratory effects have also been reported in humans from inhalation exposure to nickel. Human and animal studies have reported an increased risk of lung and nasal cancers from exposure to nickel refinery dusts and nickel subsulfide (U.S. EPA 2016b).

Vanadium

Vanadium is a naturally occurring element that is widely distributed in the earth’s crust. Natural sources of atmospheric vanadium include continental dust, marine aerosol, and volcanic emissions. Inhalation of vanadium pentoxide can result in coughing which can last a number of days after exposure. Damage to the lungs, throat, and nose have been observed in rats and mice exposed to vanadium pentoxide. Nausea, mild diarrhea, and stomach cramps have been reported in people taking sodium metavanadate or vanadyl sulfate for the experimental treatment of diabetes. Additional potential health effects found in animal studies include decreases in the number of red blood cells, increased blood pressure, mild neurological effects, developmental effects, and lung cancer (ASTDR 2021).

Zinc

Zinc is ubiquitous in the environment and occurs naturally in the earth’s crust in various compound forms, such as sphalerite (zinc sulfide), smithsonite (zinc carbonate), and zincite (zinc oxide). Oral exposure trials of zinc show various adverse symptoms, including abdominal cramps, vomiting, nausea, and gastric irritation. Inhalation exposure to zinc causes metal fume fever (also known as zinc fume fever, zinc chills, brass founder’s ague, metal shakes, or Spelter’s shakes), flu-like symptoms, chills, fever, profuse sweating, headache, and weakness (U.S. EPA 2005).

b. Airport Safety Hazards

Airport Operations

The San Luis Obispo County Regional Airport provides commuter, charter, and private aviation service to the area. The primary hazard associated with land uses near the airport is the risk of aircraft incidents on approach and takeoff. Aircraft flight operations are determined largely by the

physical layout of the airport and rules of the Federal Aviation Administration (FAA; City of San Luis Obispo 2014). The airport has had a mix of commercial airline service and general aviation operations for most of its history. In 2019, the split of aviation operations averaged 46 percent transient general operations, 35 percent local general operations, 10 percent air taxi operations, 7 percent commercial operations, and 1 percent military operations (AirNav 2021).

Airport Safety Zones

The project site is currently designated Business Park (BP), and is located within the City's Airport Area Specific Plan (AASP). The San Luis Obispo County Regional Airport Land Use Plan (ALUP) establishes airport safety zones, which are based on the California Airport Land Use Planning Handbook's (CALUPH) safety zone guidance. The CALUPH describes the characteristics of "ideal" safety zones such as "easily definable geometric shapes," a limited number of five or six zones, a distinct progression in the degree of safety risk farther from the runway, providing that "each zone should be as compact as possible." The Airport Safety Zones in the ALUP include six safety zones that represent distinct progression in the degree of safety risk farther from the runway. The project site is located in Airport Safety Zone 6 (the Traffic Pattern Zone) identified in the ALUP(refer to Figure 4.6-1). According to the City's General Plan Land Use Element (LUE), the project site is also located in the City's Airport Overlay Zone (AOZ), which comprises the area in the City limits within the boundaries of the ALUP.

c. Traffic Safety Hazards

Existing Vehicular Transportation Hazards in the Project Vicinity

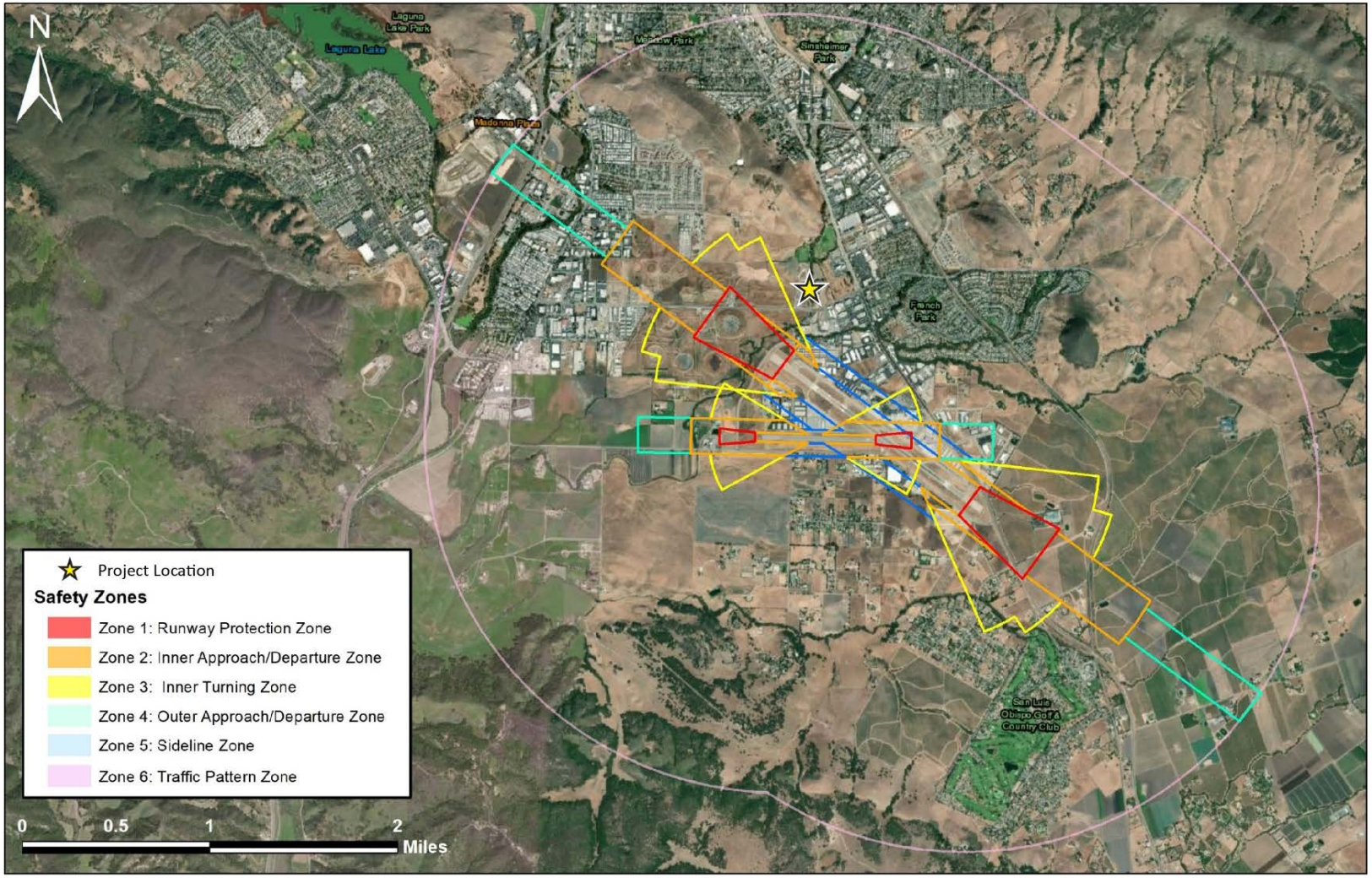
Based on the City's 2016 and 2017 Traffic Safety and Operations Reports, the Broad Street/Industrial Way intersection is identified as having a higher-than-average collision rate with an observed pattern of rear end collisions along Broad Street. Recommendations from the 2017 Report include installing an additional signal head and a warning beacon, both for the southbound approach. The City is currently in the design phase for these improvements, with plans to install these features in 2021.

Existing Pedestrian Transportation Hazards in the Project Vicinity

The CEQA Transportation Impact Analysis Memorandum and Multimodal Transportation Impact Study (Appendix B) identifies multiple roadway segments with unacceptable pedestrian operations under existing conditions. These include:

- Tank Farm Road – S. Higuera Street to Old Windmill Lane;
- Tank Farm Road – Old Windmill Lane to Santa Fe Road;
- Tank Farm Road – Santa Fe Road to Broad Street;
- Tank Farm Road – Broad Street to Righetti Ranch Road;
- Broad Street – Farmhouse Lane to Tank Farm Road;
- Broad Street – Tank Farm Road to Orcutt Road; and
- Santa Fe Road – North of Tank Farm Road (future road segment – west side only).

Figure 4.6-1 Airport Safety Zones



Source: RS&H 2020; SLO County ALUC 2021

4.6.2 Regulatory Setting

a. Hazardous Materials

Federal Regulations

United States Environmental Protection Agency

The U.S. EPA is the agency primarily responsible for enforcement and implementation of Federal laws and regulations pertaining to hazardous materials. Applicable Federal regulations pertaining to hazardous materials are contained in the CFR Titles 29, 40, and 49. Hazardous materials, as defined in the CFR, are listed in 49 CFR 172.101. The management of hazardous materials is governed by the following laws:

- Resource Conservation and Recovery Act of 1976 (RCRA) (42 USC 6901 et seq.)
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, also called the Superfund Act) (42 USC 9601 et seq.), as amended by the Superfund Amendments and Reauthorization Act (1986)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136 et seq.)
- Toxic Substances Control Act (15 USC 2601 et seq.)

These laws and associated regulations include specific requirements for facilities that generate, use, store, treat, and/or dispose of hazardous materials. U.S. EPA provides oversight and supervision for Federal Superfund investigation/remediation projects, evaluates remediation technologies, and develops hazardous materials disposal restrictions and treatment standards.

The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA)

These acts established a program administered by the U.S. EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the “cradle to grave” system of regulating hazardous wastes and waste generation. Among other things, the use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by Hazardous and Solid Waste Act.

State Regulations

Department of Toxic Substances Control

As a department of the CalEPA, the DTSC is the primary agency in California that regulates hazardous waste, oversees the cleanup of existing contamination, and identifies ways to reduce hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code.

DTSC also administers the California Hazardous Waste Control Law (HWCL) to regulate hazardous wastes. While the HWCL is generally more stringent than RCRA, until the U.S. EPA approves the California program, both State and Federal laws apply in California. The HWCL lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for

identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

Government Code Section 65962.5 requires the DTSC, the State Department of Health Services, the State Water Resources Control Board (SWRCB), and CalRecycle to compile and annually update lists of hazardous waste sites and land designated as hazardous waste sites throughout the state. The Secretary for Environmental Protection consolidates the information submitted by these agencies and distributes it to each city and county where sites on the lists are located. Before the lead agency accepts an application for any development project as complete, the applicant must consult these lists to determine if the site at issue is included.

If any soil is excavated from a site containing hazardous materials, it would be considered a hazardous waste if it exceeded specific criteria identified by the DTSC in Title 22, Division 4.5 Section 66261.10, of the California Code of Regulations. Remediation of hazardous wastes found at a site may be required if excavation of these materials is performed, or if certain other soil disturbing activities would occur. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking jurisdiction.

Local Regulations

City of San Luis Obispo General Plan

SAFETY ELEMENT

The City's General Plan guides the use and protection of various resources to meet community purposes. The General Plan Safety Element focuses on achieving acceptable levels of risk through decisions on land use and the form of development, with consideration for the closely related factor of transportation. The Safety Element includes policies that describe an approach to achieving the goals of the General Plan. With respect to addressing issues related to hazards or hazardous materials, the following policies included in the General Plan Safety Element would be applicable to the project:

Policy 5.2 **Minimizing Hazardous Materials Exposure**. People's exposure to hazardous substances should be minimized.

Policy 9.18 **Safety of Structures and Facilities**. Existing and new structures and facilities should reflect adopted safety standards. Within this policy, the City has developed a program, Program 9.23 Required Inspections, whereby the City will conduct safety inspections for hazardous materials in commercial, industrial, and multifamily residential buildings.

City of San Luis Obispo Airport Area Specific Plan

The project site is located within the City's AASP area. The AASP serves as a planning framework for future growth and development within the approximately 1,500-acre unincorporated area along the City of San Luis Obispo's southern boundary near the San Luis Obispo County Regional Airport. The AASP provides a comprehensive land use program for the planning area along with goals, policies, and development standards to guide future public and private actions in the AASP area. In addition,

the AASP identifies necessary infrastructure improvements and a strategy for ensuring AASP implementation. The goals, policies, and programs in the Conservation and Resource Management section of the AASP related to potential petroleum contamination in the project vicinity would apply to the project. This includes Goal 3.1.10: Exposure to Contamination, intended to prevent exposure of humans or wildlife to unacceptable levels of contamination, and the supporting policies and programs to support this goal.

b. Airport Safety Hazards

Federal Regulations

Federal Aviation Administration (FAA)

Federal Aviation Regulation, Part 77 Objects Affecting Navigable Airspace. The FAA Airport Design Guide, Advisory Circular (AC) 150/5300-13, contains guidance pertaining to land uses within the runway protection zone (RPZ). As part of FAA grant assurances, if an airport sponsor receives federal funds for an airport, it is required that use of land adjacent to or in the immediate vicinity of the airport be restricted to activities and purposes compatible with normal airport operations.

State Regulations

No state regulations related to airport safety hazards have been identified for the project.

Local Regulations

City of San Luis Obispo General Plan

LAND USE ELEMENT

The 2014 Airport Land Use Compatibility Report prepared by Johnson Aviation as part of the City's Land Use and Circulation Elements (LUCE) update process and the LUCE Update EIR analyzed potential airport hazards and included recommendations to update safety and hazards planning around the airport based on guidance from the CALUPH and other sources. These Airport Safety Zones are supported by LUE policies, programs, and development standards consistent with the CALUPH guidelines. According to the LUE, the project site is located in the City's Airport Overlay Zone (AOZ), which comprises the area in the City limits within the boundaries of the ALUP. The LUE includes policies and programs to address airport safety.

Policy 7.3 **Airport Land Use Plan.** Land use density and intensity shall carefully balance noise impacts and the progression in the degree of reduced safety risk further away from the runways, using guidance from the San Luis Obispo County Regional Airport Land Use Plan, State Aeronautics Act, and California Airport Land Use Planning Handbook guidelines. The City shall use the Airport Master Plan forecasts of aviation activity as a reasonably foreseeable projection of ultimate aviation activity sufficient for long-term land use planning purposes. Prospective buyers of property subject to airport influence should be so informed.

Policy 7.4 **Airport Safety Zones.** Density and allowed uses within the Airport Safety Zones shall be consistent with the San Luis Obispo County Regional Airport ALUP unless the City overrides a determination of inconsistency in accordance with Section 21676 and 21676.5 et seq. of the Public Utilities Code. If the City overrides a determination, all

land uses shall be consistent with the State Aeronautics Act and guidance provided in the California Airport Land Use Planning Handbook guidelines, City policies, and noise standards as substantiated by the San Luis Obispo County Regional Airport Master Plan activity forecasts as used for noise planning purposes.

Program 7.16 **Airport Overlay Zone.** The City shall create an Airport Overlay Zone to reflect the boundaries of the San Luis Obispo County Regional Airport Land Use Plan within the City limits. The purpose of the Airport Overlay Zone is to codify airport compatibility criteria in areas for which the City may override the Airport Land Use Commission determination to ensure compliance with the requirements of the California State Aeronautics Act (Cal. Pub. Utilities Code, Section 21670, et. seq.) which establishes statewide requirements for airport land use compatibility planning, guidance from the California Airport Land Use Planning Handbook, which is published by the California Department of Transportation Division of Aeronautics to support and amplify the State Aeronautics Act requirements, and other related federal and state requirements relating to airport land use compatibility planning. Implementation of the compatibility policies will be accomplished through the Zoning Code.

SAFETY ELEMENT

The City's General Plan guides the use and protection of various resources to meet community purposes. The General Plan Safety Element focuses on achieving acceptable levels of risk through decisions on land use and the form of development, with consideration for the closely related factor of air traffic and airport safety. The Safety Element includes policies that describe an approach to achieving the goals of the General Plan. With respect to addressing issues related to airport safety, the following policy included in the General Plan Safety Element would apply to the project:

Policy 7.0 **Uses in the Airport Land Use Plan Area.** Development should be permitted only if it is consistent with the requirements of the California State Aeronautics Act (Public Utilities Code §21670, et. seq.), guidance from the California Airport Land Use Planning Handbook, other related federal and state requirements relating to airport land use compatibility planning, and the San Luis Obispo County Regional Airport Land Use Plan unless the City overrules a determination of inconsistency in accordance with Section 21676.5 et. seq. of the Public Utilities Code. Prospective buyers of property that is subject to airport influence should be so informed.

Airport Land Use Plan for the San Luis Obispo County Regional Airport

State law requires an independent, countywide Airport Land Use Commission (ALUC) to adopt an ALUP for each airport. The ALUP establishes zones based on flight patterns, with the aim of having future development be compatible with airport operations, considering safety and noise exposure. The San Luis Obispo County Regional ALUP was adopted by the San Luis Obispo County ALUC in May 2021. The ALUP provides guidance for the establishment of compatible land uses within the Airport Land Use Planning Area. The ALUP contains policies and guidelines which address public safety and noise exposure within the Airport Land Use Planning Area and provides land use guidance based upon established noise and safety corridors. The ALUC oversees development subject to the ALUP to ensure safety, while the City has ultimate jurisdiction over potential land use decisions and future development.

The ALUP contains several safety-related policies to address future development:

Safety Compatibility Policies. A proposed general plan, general plan amendment, specific plan, specific plan amendment, zoning ordinance, zoning ordinance amendment, building regulation modification, or individual development proposal will be determined to be inconsistent with the ALUP if the proposed project or local action:

Policy S-3. Would permit or fail to adequately prohibit Special Function Land Uses or special land use functions (impaired egress uses, unusually hazardous uses, or high-intensity uses), other than specified in the Land Use Compatibility Table, Table 4-5 (refer to [ALUP] Chapter 6, Glossary for land use definitions and related City of San Luis Obispo designations).

Aviation Safety Areas. The ALUP establishes the maximum number of people per acre that can be present in a given area within each Airport Safety Zone at any one time. There is no limit to the maximum number of people per acre in Airport Safety Zone 6.

Airspace Protection Policies. Notwithstanding any other provision of this ALUP, any proposed general plan, general plan amendment, specific plan, specific plan amendment, zoning ordinance, zoning ordinance amendment, building regulation modification, or individual development proposal will be determined to be inconsistent with the ALUP if the proposed local action:

Policy A-1 – Lacks sufficient provisions to ensure that no structure, landscaping, apparatus, or other feature, whether temporary or permanent in nature, shall constitute an obstruction to air navigation or a hazard to air navigation, as defined in Section 4.5.1 of this ALUP.

City of San Luis Obispo Airport Area Specific Plan

All goals, policies, and programs in the Conservation and Resource Management and Land Use sections of the AASP related to aircraft operations in the project vicinity would apply to the project. The AASP was determined to be consistent with the City of San Luis Obispo General Plan and was found to be in conformance with the ALUP.

c. Traffic Safety Hazards

No federal or state regulations related to traffic safety hazards have been identified for the project.

Local Regulations

City of San Luis Obispo General Plan

LAND USE ELEMENT

The General Plan LUE includes the following policies to address traffic safety.

Policy 2.2.3 **Neighborhood Traffic.** Neighborhoods should be protected from intrusive traffic. All neighborhood street and circulation improvements should favor pedestrians, bicyclists, and local traffic. Vehicle traffic on residential streets should be slow. To foster suitable traffic speed, street design should include measures such as narrow lanes, landscaped parkways, traffic circles, textured crosswalks, and, if necessary, stop signs, speed humps, bollards, and on-street parking and sidewalks.

Policy 4.5 **Walking Environment.** The City shall plan and manage Downtown to include safe, interesting places for walking and pleasant places for sitting. To this end: … E. Traffic calming and pedestrian safety should be enhanced, where appropriate, through such features as road tables, pavement changes, bulb outs and scramble intersection signals.

CIRCULATION ELEMENT

The General Plan Circulation Element recognizes implications of land use policy on all modes of movement and establishes policies, standards, and implementation measures that work with the Land Use Element update and address both existing and potential circulation opportunities and deficiencies. The following goals, objectives, policies, and programs are related to transportation/traffic safety:

Goal 1.6.1 (3) **Provide a system of streets that are well-maintained and safe for all forms of transportation.**

Goal 1.6.1 (6) **Promote the safe operation of all modes of transportation.**

Objective 1.7.3 **(4)** Provide a system of streets that allow safe travel and alternate modes of transportation throughout the city and connect with Regional Routes and Highways.

Policy 5.1.5 **Pedestrian Crossings.** To improve pedestrian crossing safety at heavily used intersections, the City shall institute the following:

A. Install crossing controls where warranted by the California Manual on Uniform Traffic Control Devices (MUTCD) that provide adequate time for pedestrians to cross the street.

B. In the downtown, install traffic-calming features such as textured cross walks and bulb-outs, where appropriate.

C. On Arterial Streets, Parkways or Regional Routes with four or more travel lanes, install medians at pedestrian crossings where roadway width allows.

Program 8.2.3 **Quality of Life.** The City shall analyze residential streets for their livability with regards to multi-modal traffic noise, volumes, speed, and safety as well as the amount of pedestrian and bicycle traffic and potential excess right-of-way pavement. Traffic calming or other intervening measures may be necessary to maintain the resident's quality of life. The City should give priority to existing streets that exceed thresholds.

City of San Luis Obispo Airport Area Specific Plan

All goals, policies, and programs in the Circulation and Transportation section of the AASP related to the safety and design of traffic and circulation facilities in the project vicinity would apply to the project. The AASP was determined to be consistent with the City of San Luis Obispo General Plan.

4.6.3 Impact Analysis

a. Methodology

This assessment includes review of existing adopted plans, public databases, recent studies and EIRs, to assess the potential presence of hazardous materials sites as well as airport and traffic

safety hazards on the project site and in the vicinity. The project site was evaluated for the presence of hazardous materials based on a review of hazardous materials lists compiled pursuant to Government Code Section 65962.5, including DTSC's Hazardous Waste and Substances site "Cortese" list, SWRCB's GeoTracker List of Leaking Underground Storage Tank Sites, CalEPA's List of solid waste disposal sides identified by Water Board, and CalEPA's List of "active" CDO and CAO sites. Local plans and regulations as well as the CEQA Transportation Impact Analysis Memorandum and Multimodal Transportation Impact Study (Appendix B) were reviewed to determine the potential airport-related and traffic safety hazards and impacts in the project area. The analysis in this section is also based on the results of a Phase I ESA, Preliminary Soil Sampling Assessment, and Preliminary Soil Vapor Assessment (Appendix E).

b. Thresholds of Significance

The following thresholds are based on Appendix G of the *CEQA Guidelines*. Impacts would be significant if the project would:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school;
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
e. Result in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport;
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan;
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Potential impacts related to the routine transport, use, disposal, or release of hazardous materials (checklist items a and b), handling hazardous materials within 0.25 miles of a school (checklist item c), airport noise (checklist item e [partial]), emergency evacuation plans (checklist item f), and wildland fires (checklist item g) are discussed in Section 4.11, *Impacts Addressed in the Initial Study*). These impacts were found to be less than significant and are not discussed further in this section.

This section also discusses the project's potential to increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment) based on Appendix G of the *CEQA Guidelines*. This impact would be significant if the project would:

h. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment).

Generally, the ALUP identifies the following as obstructions to air navigation for all safety zones and uses in the ALUP area:

- A height that is 200 feet AGL or is above 409 feet mean sea level (MSL), whichever is greater.
- The surface of a takeoff and landing area or any imaginary surface established under Section 77.25 or 77.29 of the FAR. However, no part of the takeoff or landing area itself will be considered an obstruction.

The ALUP also identifies hazards to air navigation as any existing or future object which entails or is expected to entail characteristics which would potentially interfere with the takeoff, landing, or maneuvering of aircraft at the airport, including:

- Creation of electrical interference with navigation signals or radio communication between the aircraft and airport;
- Lighting which is difficult to distinguish from airport lighting;
- Glare in the eyes of pilots using the airport;
- Uses which attract birds and create bird strike hazards;
- Uses which produce visually significant quantities of smoke; and
- Uses which entail a risk of physical injury to operators or passengers of aircraft (e.g., exterior laser light demonstrations or shows).

The AASP also establishes standards for development in the AASP area, with maximum building height limitations of 45 feet (not to exceed three stories) for occupied buildings and 52 feet for non-occupied architectural buildings.

c. Impact Analysis

Threshold d:	Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Impact HAZ-1 **THE PROJECT SITE IS NOT LOCATED ON ANY LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5, HAZARDOUS MATERIAL CONTAMINATION IS PRESENT ON THE SUBJECT PROPERTY. HOWEVER, CONSTRUCTION OF THE PLANNED ROUNDABOUT AND FRONTAGE IMPROVEMENTS ALONG TANK FARM ROAD AND THE FUTURE ALIGNMENT OF SANTA FE ROAD COULD EXPOSE CONSTRUCTION WORKERS AND THE COMMUNITY TO HAZARDOUS MATERIALS IN ON-SITE SOIL. THEREFORE, POTENTIAL HAZARDOUS MATERIAL IMPACTS WOULD POTENTIALLY SIGNIFICANT, REQUIRING MITIGATION.**

Pursuant to Government Code Section 65962.5, the following databases were searched for entries matching the project site location:

- Hazardous Waste and Substances site “Cortese” list (DTSC 2021) pursuant to Section 65962.5(a)(4)
- GeoTracker List of Leaking Underground Storage Tank Sites (SWRCB 2021) pursuant to Section 65962.5(c)(1)
- List of solid waste disposal sides identified by Water Board (CalEPA 2021a) pursuant to Section 65962.5(c)(2)
- List of “active” CDO and CAO sites (CalEPA 2021b) pursuant to Section 65962.5(c)(3)

Lists are no longer compiled pursuant to Government Code Section 65962.5(b) or (d). No listed hazardous material sites/facilities or active clean ups were identified on the site (DTSC 2021, SWRCB

2021, CalEPA 2021a, CalEPA 2021b). However, according to the Phase I ESA and follow-up Preliminary Soil Sampling Assessment and Preliminary Soil Vapor Assessment conducted on the applicant-owned portion of the project site , there are existing hazardous materials concerns present on the 600 Tank Farm Road property.

600 Tank Farm Road Property

The Phase I ESA identified off-site contamination related to the Chevron Tank Farm property located west of the project site, which is currently being remediated for hydrocarbon contamination. Because the Phase I ESA determined that it was not known if remediation was complete, the potential for soil vapor contamination from hydrocarbons was identified, and the Preliminary Soil Sampling Assessment and Preliminary Soil Vapor Assessment were conducted on the project site (Appendix E).

The Preliminary Soil Sampling Assessment describes the collection and testing of six soil samples from 600 Tank Farm Road property, and did not identify exceedances of SWRCB, U.S. EPA, or DTSC action levels for total petroleum hydrocarbons for both diesel and motor oil. However, the soil testing results detected metals above screening levels, including arsenic, cobalt, nickel, vanadium, and zinc. Native soils in the California Central Coast area are known to have an inherent arsenic content as high as 14 mg/kg. Therefore, the level of arsenic in the soil at the project site is considered a background condition (Appendix E). The presence of cobalt, nickel, vanadium, and zinc is associated with the rock and soil units in the project vicinity, which are derived from the Franciscan Complex. The concentrations of these analytes are considered background conditions resultant from weathering of Franciscan Complex units (Appendix E). None of the detected metal concentrations exceed risk-based action levels that would require remediation.

The Preliminary Soil Vapor Assessment describes the collection and testing of shallow vapor samples from the 600 Tank Farm Road property and compares vapor concentrations to environmental screening levels (ESLs) set by the San Francisco RWQCB. During the preparation of the Preliminary Soil Vapor Assessment, the San Luis Obispo County Environmental Health Services determined that the San Francisco RWQCB's ESLs are the most appropriate ESLs to use for soil gas comparisons. This is because "the presence of a chemical in soil, soil gas, or groundwater at concentrations below the corresponding ESL can be assumed to not pose a significant threat to human health, water resources, or the environment" (Appendix E). This assessment concluded that all vapor concentrations were either not detected or below the applicable ESLs.

The proposed project includes residential development of the 600 Tank Farm Road property, which could be impacted by hazardous material contamination. However, no elevated motor oil or diesel levels were detected on site, and metal concentrations in soils on the property are within background levels for this area in California that do not require remediation. Therefore, potential impacts associated with hazardous materials that may be encountered during construction of the proposed residential development on the 600 Tank Farm Road property would be less than significant.

Tank Farm Road and Santa Fe Road Roundabout and Frontage/Alignment Improvements

Potential impacts associated with hazardous materials may occur if construction of the planned roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road would expose construction workers, the public, or the environmental to a significant hazard

or hazardous material. These transportation infrastructure improvements would be required to be designed consistent with applicable federal, state, and local Municipal Code requirements. Due to the presence of identified hazardous materials in the vicinity of these improvements, the potential exists for the presence of petroleum hydrocarbon- and volatile organic compound (VOC)-contaminated soil, metal concentrations exceeding applicable screening criteria, or other hazardous materials in soils. Ground disturbing activities during construction of the planned transportation infrastructure improvements could expose construction workers and/or the public to hazardous materials in on-site soil via direct contact or inhalation of dust particles. Improper handling and disposal of contaminated soils could result in a health risk to people which would be potentially significant unless mitigation is incorporated.

Mitigation Measures

The following mitigation would reduce risk of exposure of construction workers and the public to hazardous materials in on-site soil during construction of the planned roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road:

HAZ-1(a) Soil Management Plan

Prior to issuance of any grading permits for the planned roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road, a contaminated soil assessment shall be completed in the portions of land to be graded for the identified improvements. Soil samples shall be collected under the supervision of a professional geologist or environmental professional to determine the presence or absence of contaminated soil in these areas. The sampling density shall be in accordance with guidance from San Luis Obispo County Environmental Health Services (EHS), so as to define the area of contaminated soil that may be disturbed by grading activities. Laboratory analysis of soil samples shall be analyzed for the presence of petroleum hydrocarbons, VOCs, and heavy metals in accordance with applicable U.S. EPA Test Methods. If soil sampling indicates the presence of hydrocarbon contamination, metal concentrations, or other contaminants exceeding applicable environmental screening levels as provided by the EHS, the soil assessment shall identify the area of contaminated soil that may be disturbed by grading activities. An Environmental Site Assessment (ESA) shall be prepared detailing the soil sampling, analysis, and findings and submitted to the EHS for review.

If concentrations of contaminants exceed the EHS-provided environmental screening levels, the applicant shall prepare and implement a Soil Management Plan (SMP). The SMP shall be reviewed and approved by EHS prior to issuance of grading permits. The plan shall communicate information to project construction workers about environmental conditions and will present measures to mitigate potential risks to the environment, construction workers, and other nearby receptors from potential exposure to hazardous substances that may be associated with unknown conditions or unexpected underground structures, and known contaminated soil or groundwater encountered during construction activities.

The SMP shall be updated and the updated recommendations shall be followed if the following occurs:

- A change in project site uses;
- Receipt of additional information pertaining to project site environmental conditions;
- Updated chemical toxicity information for contaminants detected at the project site based on revised regulatory screening levels; or,

- New legal or regulatory soil management requirements applicable to the project site.

Plan Requirements and Timing. The contaminated soils assessment and SMP, if necessary, shall be submitted and approved by City compliance monitoring staff and County EHS prior to the issuance of project grading permits.

Monitoring. As applicable, the City shall ensure implementation of the SMP according to the measures included therein and as approved by County EHS.

Significance After Mitigation

With implementation of Mitigation Measure HAZ-1(a), impacts related to exposure of construction workers and the public to hazardous materials in on-site soil during construction of the planned roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road would be reduced to a less than significant level.

Threshold e:	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Impact HAZ-2 THE PROJECT SITE IS LOCATED WITHIN THE TRAFFIC PATTERN ZONE (AIRPORT SAFETY ZONE 6) IDENTIFIED IN THE AIRPORT LAND USE PLAN FOR THE SAN LUIS OBISPO COUNTY REGIONAL AIRPORT AS WELL AS THE CITY'S AIRPORT OVERLAY ZONE. HOWEVER, THE PROPOSED PROJECT WOULD NOT RESULT IN A SAFETY HAZARD FOR PEOPLE RESIDING OR WORKING ON THE PROJECT SITE. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

Airport safety is primarily related to the potential for operational aircraft accidents such as emergency landings, or in rare cases crashes, as well as ensuring that land use development is carried out in manner that minimizes or avoids risks associated with such aircraft incidents or accidents. Accidents may result from various factors including, but not limited to, mechanical failures, operating errors, and environmental factors such as birds and weather. Minimizing or avoiding risks to residential land uses involves designating areas around the ends of runways that must be free of objects or sensitive land uses, limiting the height of new structures in the surrounding airspace, and understanding historical accident patterns. The risk of an aircraft accident increases with proximity to the runway and its approach path, and airport land use planning documents generally discourage development in the zones closest to the ends of runways to prevent placing people at risk of aircraft-related hazards.

The project site is located approximately 1,600 feet north of Runway 11-29, which has a northwest-southeast orientation. The project site is within Airport Safety Zone 6, the Traffic Pattern Zone, identified in the 2021 ALUP. The project site is not within the trajectory of defined aircraft flight paths for Runway 11-29, the extended runway centerline, or in the probable gliding distance for aircraft in expected approach or departure courses described in the ALUP. In conjunction with the City's LUCE update process completed in 2014, the LUE and associated Airport Safety Zones were developed with the updated safety and hazards considerations identified in the 2014 Airport Land Use Compatibility Report (Johnson Aviation 2014). With the ALUC's adoption of the updated ALUP in 2021, these Airport Safety Zones are not included in the ALUP. With these updates, the project site is not located within identified Aviation Safety Areas/Airport Safety Zones.

The project does not include obstructions that pose risks to air navigation, and the project would not otherwise expose people or workers to airport related risks. The project would construct

residential and mixed-use buildings up to three stories, with a maximum height of 35 feet. This proposed height would not constitute an obstruction (200 feet above ground level [agl]) or exceed the AASP height limitation for development in the BP area of 45 feet (or three stories). The project does not include large public gathering areas, high-intensity lighting, or tall obstructing uses. Because prevailing flight patterns would not affect the project site, there would be a reduced likelihood of air traffic accidents resulting from or relating to the project. The planned roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road would be designed consistent with applicable ALUP safety requirements.

Because the project site is not located within an identified Aviation Safety Area in the City's adopted LUE or an Airport Safety Zone that limits residential development in the ALUC's adopted ALUP, and because the project does not include any components that would pose risks to air navigation, or otherwise expose people or workers to airport related risks, no substantial aviation-related safety hazard to residents or commercial employees or patrons within the project site are expected to occur as result of the project.

As described in Section 4.8, *Land Use and Planning*, the ALUC will review the project and would be required to make a determination that development facilitated under the proposed AASP Amendment and rezone would be consistent with the ALUP for the project to proceed. Therefore, this impact would be less than significant.

Mitigation Measures

This impact would be less than significant, and no mitigation is required.

Threshold h:	Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

Impact HAZ-3 THE PROJECT WOULD CONTRIBUTE TO NEW PEDESTRIAN DEMAND ALONG TANK FARM ROAD WEST OF THE PROJECT SITE, WHICH DOES NOT HAVE DEDICATED PEDESTRIAN FACILITIES. THE POTENTIAL INCREASE IN PEDESTRIAN DEMAND WOULD RESULT IN A POTENTIAL HAZARD TO PEDESTRIANS. THIS IMPACT WOULD BE SIGNIFICANT AND UNAVOIDABLE.

The CEQA Transportation Impact Analysis Memorandum and Multimodal Transportation Impact Study (Appendix B) discusses hazardous conditions in the project vicinity that could be exacerbated by the project.

On-Site Transportation Hazards

The proposed Conceptual Site Plan for the project, including internal project circulation and connections to off-site facilities (Tank Farm Road and Santa Fe Road) is shown in Figure 2-5 in Section 2, *Project Description*. The planned roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road also would be designed consistent with applicable City guidelines and standards in the City's Engineering Standards and Access Management Policies and ALUP safety requirements. The proposed entitlements, including the Development Plan, would be subject to review and approval by the City of San Luis Obispo, including final plans for internal circulation, which would be required to adhere to applicable guidelines in the City's Engineering Standards and Access Management Policies. Because final plans for internal circulation would require approval of City staff, including the Fire Department, and would be required as a condition of approval to be consistent with applicable City guidelines and standards in

the City's Engineering Standards and Access Management Policies, on-site transportation hazard impacts would be less than significant.

Off-Site Vehicular Transportation Hazards

Based on the City's 2016 and 2017 Traffic Safety and Operations Reports, the Broad Street/Industrial Way intersection is identified as having a higher-than-average collision rate with an observed pattern of rear end collisions along Broad Street. Recommendations from the 2017 Report include installing an additional signal head and a warning beacon, both for the southbound approach. The City is currently in the design phase for these improvements, with plans to install these features in 2021. The project is expected to add 45 vehicle trips to this intersection during the PM peak hour, an increase of 1.4 percent. Because the traffic added by the project to this intersection represents a marginal increase in the total traffic volume entering this intersection, the project would not substantially increase hazards or exacerbate the current pattern of collisions at this location.

Off-Site Pedestrian Transportation Hazards

The CEQA Transportation Impact Analysis Memorandum and Multimodal Transportation Impact Study (Appendix B) identifies multiple roadway segments with deficient pedestrian operations under existing conditions. These include:

- Tank Farm Road – S. Higuera Street to Old Windmill Lane;
- Tank Farm Road – Old Windmill Lane to Santa Fe Road;
- Tank Farm Road – Santa Fe Road to Broad Street;
- Tank Farm Road – Broad Street to Righetti Ranch Road;
- Broad Street – Farmhouse Lane to Tank Farm Road;
- Broad Street – Tank Farm Road to Orcutt Road; and
- Santa Fe Road – North of Tank Farm Road (future road segment – west side only)

Where sidewalks are currently provided, these deficiencies exist due to adjacent high vehicle volumes/speeds. At other locations, these deficiencies exist due to lack of continuous sidewalks. For all deficient segments other than Tank Farm Road and Santa Fe Road (north of Tank Farm Road), the project would generate a nominal increase in pedestrian or vehicle trips above existing levels. As a result, at these locations the addition of project-generated pedestrian and vehicle trips is not contextually significant. The project includes installation of sidewalks along its Tank Farm Road and Santa Fe Road frontages and would provide pedestrian connectivity to the Damon Garcia Sports Fields pathway network to the north. In addition, the adjacent approved developments at 650 Tank Farm and 660 Tank Farm Road are required to construct sidewalks along their frontages, providing a continuous pedestrian connection along Tank Farm Road east of the project. Therefore, project impacts to pedestrian operations and safety on Tank Farm Road east of the project site and the future road segment of Santa Fe Road north of Tank Farm Road would be less than significant.

The deficiencies along Tank Farm Road west of the project site are contextually significant, as the project would generate pedestrian trips along a facility where no pedestrian facilities exist—there are currently no dedicated pedestrian facilities or controlled crossings along either side of Tank Farm Road between the project site and the recently constructed collector Street (Innovation Way), located approximately 4,700 feet to the west. By generating additional pedestrian demand, the

project would increase the propensity for pedestrians to walk along the roadway shoulder or cross at inappropriate locations along Tank Farm Road—a high traffic speed/volume arterial roadway—which may result in hazards to pedestrian safety along this roadway segment. The lack of facilities is an existing deficiency; however, the addition of project-generated pedestrian trips would exacerbate the potential safety hazard, which would be a potentially significant impact requiring mitigation.

Mitigation Measures

HAZ-3(a) Tank Farm Road Shared-Use Pedestrian/Bicycle Path

The project applicant shall take the following actions to facilitate future construction of a shared-use pedestrian/bicycle path along the north side of Tank Farm Road from Santa Fe Road west to Innovation Way (4,700 feet west of Santa Fe Road), as identified in the City's Active Transportation Plan:

a) Pay fair share mitigation fees towards future construction of the Tank Farm Road shared-use path through participation in the Citywide Transportation Impact Fee program.

b) Prepare construction designs for the shared-use path to a 65% design level to provide sufficient detail to confirm right-of-way needs, produce refined construction cost estimates, and provide the City with information needed to explore grant funding opportunities and continue progress towards future construction of the path.

c) Exhaust all reasonable efforts working with the City, County, and private landowner(s) to acquire right-of-way needed to construct the Tank Farm Road shared-use path.

Plan Requirements and Timing. Prior to the issuance of building permits for each development phase, the project applicant shall provide a fair share contribution towards mitigation improvements through payment of applicable Citywide Transportation Impact Fees.

Shared-use path design materials, including 65% level construction drawings, engineer's estimates of probable cost, right-of-way exhibits and legal descriptions, shall be submitted to the City and approved to the satisfaction of the City Public Works Director prior to issuance of any building permits.

Prior to issuance of any building permits, the project applicant shall acquire all right-of-way needed to construct the Tank Farm shared-use path improvements to the satisfaction of the City Public Works Director. If efforts are unsuccessful, the applicant shall demonstrate in writing that all reasonable efforts have been exhausted to acquire interest in the subject property(ies) to the satisfaction of the City Public Works Director and City Attorney. Construction of the required improvements may require coordination with and an encroachment permit from San Luis Obispo County.

Monitoring. The City shall verify that the applicant has paid its fees, provided required design documents, and completed required right-of-way acquisition efforts prior issuance of building permits.

HAZ-3(b) Tank Farm Road Interim Pedestrian Safety Signage

The project applicant shall fund and install interim signage along Tank Farm Road west of Santa Fe Road to highlight potential safety hazards to pedestrians along this connection. The signage shall be designed and installed consistent with applicable City Engineering Standards to the satisfaction of

the Public Works Director. The signage shall remain in place until the future shared-use pedestrian/bicycle path along the north side of Tank Farm Road between Santa Fe Road and Innovation Way is constructed and open to the public.

Plan Requirements and Timing. The applicant shall submit public improvement plans that detail the proposed sign installations for review and approval by the City prior to issuance of any building permits. The signs shall be installed prior to issuance of any occupancy permits. Construction of the required improvements may require coordination with and an encroachment permit from San Luis Obispo County.

Monitoring. The City shall verify that the applicant installs the improvements in accordance with approved design plans.

Significance After Mitigation

Implementation of the planned, shared-use pedestrian/bicycle path along the north side of Tank Farm Road west of Santa Fe Road, as identified in the City's Active Transportation Plan and AASP, would address the pedestrian operations and safety deficiency west of the project site. Mitigation Measure HAZ-3(a) and Mitigation Measure HAZ-3(b) would partially offset the project's contribution towards pedestrian operations and safety impacts along this segment of Tank Farm Road; however, the majority of the area needed to construct the shared-use path is located outside of the San Luis Obispo City limit and would require right-of-way acquisition from private property owner(s), as well as approval by the County of San Luis Obispo. Neither the proposed project applicant nor the City would have the authority/jurisdiction to compel private property owners outside of the City or the County to facilitate use of this right-of-way for construction of the path. Due to the potential right-of-way/jurisdiction authority constraint, construction of the planned shared-use pedestrian/bicycle path along Tank Farm Road west of Santa Fe Road is not considered a viable mitigation strategy in conjunction with the proposed project. Accordingly, the potential impacts associated with pedestrian safety may not be feasibly mitigated to a less than significant level prior to the project being developed. As a result, this impact would remain significant and unavoidable.

Residual Environmental Effects

Future construction of the Tank Farm Road shared-use pedestrian/bicycle path described in Mitigation Measure HAZ-3(a) would constitute an off-site improvement that may require subsequent environmental review consistent with the requirements of CEQA Guidelines Section 15152 at the time design-level information is available for the required improvement. This potential off-site improvement has not been designed, and evaluation of the potential environmental effects of such improvements in this EIR would be speculative (CEQA Guidelines Section 15145). Therefore, the discussion of such improvements in this EIR is intended to provide a programmatic discussion of the potential environmental effects that may result from construction the improvements.

At a programmatic level, the potential environmental effects of constructing a shared-use pedestrian/bicycle path along the north side of Tank Farm Road from Santa Fe Road west to Innovation Way would be generally similar to the effects of constructing the other improvements envisioned by the project, or envisioned in this location as part of the Chevron Final EIR. The shared-use pedestrian/bicycle path would involve excavation, grading, and the potential for new paved/impervious surfaces, but would not involve construction of new buildings or structures. Environmental resources areas that could be affected would include air quality, biological resources, cultural resources and tribal cultural resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, noise, and utilities and service systems.

Potential mitigation required to reduce residual environmental effects to a less than significant level would generally be similar to mitigation measures required for these resources in this EIR.

d. Cumulative Impacts

As discussed in Section 3, *Environmental Setting*, cumulative development includes approximately 4,039 residential units, 605 senior and assisted living units, 817 hotel rooms, 1.2 million square feet of commercial/business park development, and 17,703 square feet of a water resource facility throughout the city. A substantial amount of this development is proposed, planned, or underway in the southeastern portion of San Luis Obispo within the San Luis Ranch Specific Plan, Avila Ranch Specific Plan, Margarita Area Specific Plan, AASP, Orcutt Area Specific Plan, and Froom Ranch Specific Plan. A number of projects are located adjacent or near the project site, including a mixed-use residential project at 650 Tank Farm Road, an assisted living facility and retail commercial development at 660 Tank Farm Road, and the Chevron Tank Farm Remediation and Development Project to the west of the project site to develop a business park.

A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (*CEQA Guidelines* Section 15065[a][3]). The geographic scope for cumulative hazardous materials impacts is limited to projects within 0.25 mile of the project site. This geographic scope is appropriate for hazardous materials because risks associated with hazards and hazardous materials directly related to the project site, including airport safety and transportation hazards, occur largely in a site-specific and localized context as adverse impacts from a hazardous materials release or spill diminish in magnitude with distance.

Overall, hazards and hazardous materials impacts associated with individual developments are site specific in nature and must be addressed on a case-by-case basis. Since hazards and hazardous materials are required to be examined as part of the permit application and environmental review process, potential impacts associated with individual projects will be adequately addressed prior to permit approval. Therefore, cumulative hazardous material impacts would be less than significant. With adherence to existing regulatory standards for hazardous materials, the proposed project would not have a cumulatively considerable contribution to a significant cumulative impact related to hazards and hazardous materials.

In addition, several cumulative projects listed within Table 3-1 are also within the ALUP Safety Areas, thereby potentially exposing persons to risk of airport safety hazards. These primarily include residential units and commercial development projects near the airport as well as Specific Plans and Specific Plan amendments, including the San Luis Ranch Specific Plan and Airport Area Specific Plan projects. However, these projects are subject to review of airport-related hazards during the environmental review process and by the ALUC, which would ensure that development does not impose an aviation-related hazard on structures or people. Therefore, cumulative airport safety impacts would be less than significant. The incremental increase in airport safety hazards at the project site would be negligible and would not be cumulatively considerable. Therefore, cumulative impacts from airport hazards would be less than significant.

Potential impacts associated with transportation hazards would be site-specific and would not have corresponding cumulative effects.

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4.7 Hydrology and Water Quality

The background information and analysis in this section is based partially on the *Drainage Report* prepared by RRM Design Group dated February 8, 2021 and the *Soils Engineering Report* prepared by GeoSolutions, Inc. dated March 17, 2020.These reports are included in this EIR in Appendix F.

4.7.1 Environmental Setting

a. Hydrology

The project site is located within the San Luis Obispo Creek Hydrologic Subarea of the Estero Bay Hydrologic Unit, an area that corresponds to the coastal watersheds west of the Coastal Range in the vicinity of San Luis Obispo County. The Estero Bay Hydrologic Unit stretches roughly 80 miles between the Santa Maria River and the Monterey County line and includes numerous individual stream systems (Central Coast Regional Water Quality Control Board [RWQCB] 2019). Within the Estero Bay Hydrologic Unit, the San Luis Obispo Creek watershed drains approximately 83 square miles. Average seasonal precipitation in the San Luis Obispo Creek watershed ranges from 17 to 33 inches and averages approximately 21 inches. Because the City of San Luis Obispo (City) is part of a coastal watershed, it is subject to wide ranges in precipitation from droughts to heavy storms (Coastal San Luis Resources Conservation District 2014, City of San Luis Obispo 2003).

San Luis Obispo Creek originates in the Cuesta Grade area north of San Luis Obispo at an elevation of 2,200 feet above mean sea level, in the western slopes of the Santa Lucia Range. The San Luis Obispo Creek watershed generally drains to the south-southwest via San Luis Obispo Creek to where it meets the Pacific Ocean at Avila Beach. San Luis Obispo Creek flows south through the City of San Luis Obispo adjacent to U.S. Highway 101 (U.S. 101) until it reaches the southern extent of the Irish Hills where it veers west to the Pacific Ocean near Avila Beach.

Stormwater runoff from the project site flows southeasterly to Acacia Creek. Acacia Creek is an intermittent stream that borders the eastern boundary of the project site. Acacia Creek flows south where it joins Orcutt Creek to form the East Fork of San Luis Obispo Creek approximately 430 feet south of the project site and Tank Farm Road. From there, the East Fork of San Luis Creek flows approximately 2.5 miles southwest where it joins the main stem of San Luis Creek.

A constructed stormwater basin is located on the southern portion of the project site. The basin is separated from Acacia Creek by an earthen berm; however, a small pipe leads out of the basin in the southeast corner for overflow drainage into Acacia Creek. The basin receives surface runoff from the project site and Tank Farm Road through a storm drain inlet and outfall pipe at the edge of the feature.

b. Flood Hazards

Flooding occurs in response to heavy rainfall, when creek and drainage channels overflow. Flooding may also occur in low-lying areas that have poor drainage, or when culverts become blocked, even during moderate storms. Flood severity can be increased by structures or fill placed in flood-prone areas, and increased runoff resulting from development of impervious surfaces (such as parking lots, roads, and roofs).

Low-lying valleys within the San Luis Obispo Creek watershed periodically experience substantial floods. Flooding within the San Luis Obispo Creek system is generally caused by intense Pacific storm

systems that occur annually from December through March. The great topographic variability of the watershed causes these systems to release large amounts of precipitation, especially along the higher ridgelines. San Luis Obispo Creek water flows can respond very quickly to short high-intensity rainfall bursts. The San Luis Obispo Creek watershed is steep and is characterized by high-magnitude, short-duration floods. Floods have been a continuing problem along San Luis Obispo Creek, and significant flooding along the creek has been recorded in 1884, 1897, 1948, 1952, 1969, 1973, 1978, and 1995. In addition, many minor waterways, including Acacia Creek, drain into San Luis Obispo Creek. These minor waterways, although having relatively small watersheds, can also present flood hazards due to their steep slopes and high gradient that can lead to intense, fast moving flood events (City of San Luis Obispo 2003).

Flood zone mapping and drainage improvements are based on the probability of a certain amount of rainfall within a defined timeframe, usually 24 hours. From rainfall gauge records, the size of a storm that has a 1 percent probability of occurring in any one year within a watershed can be calculated. A storm with this probability is often referred to as the “100-year storm” since statistically at least one such storm would be expected to occur in a 100-year period, and the associated overflow termed the “100-year flood.” Because of statistical variation, there may be several “100-year storms” within a 100-year period, or there may be none at all. Similarly, a storm that has a 4 percent probability of occurring in any one year is referred to as the “25-year storm,” and flows from this storm are called 25-year floods.

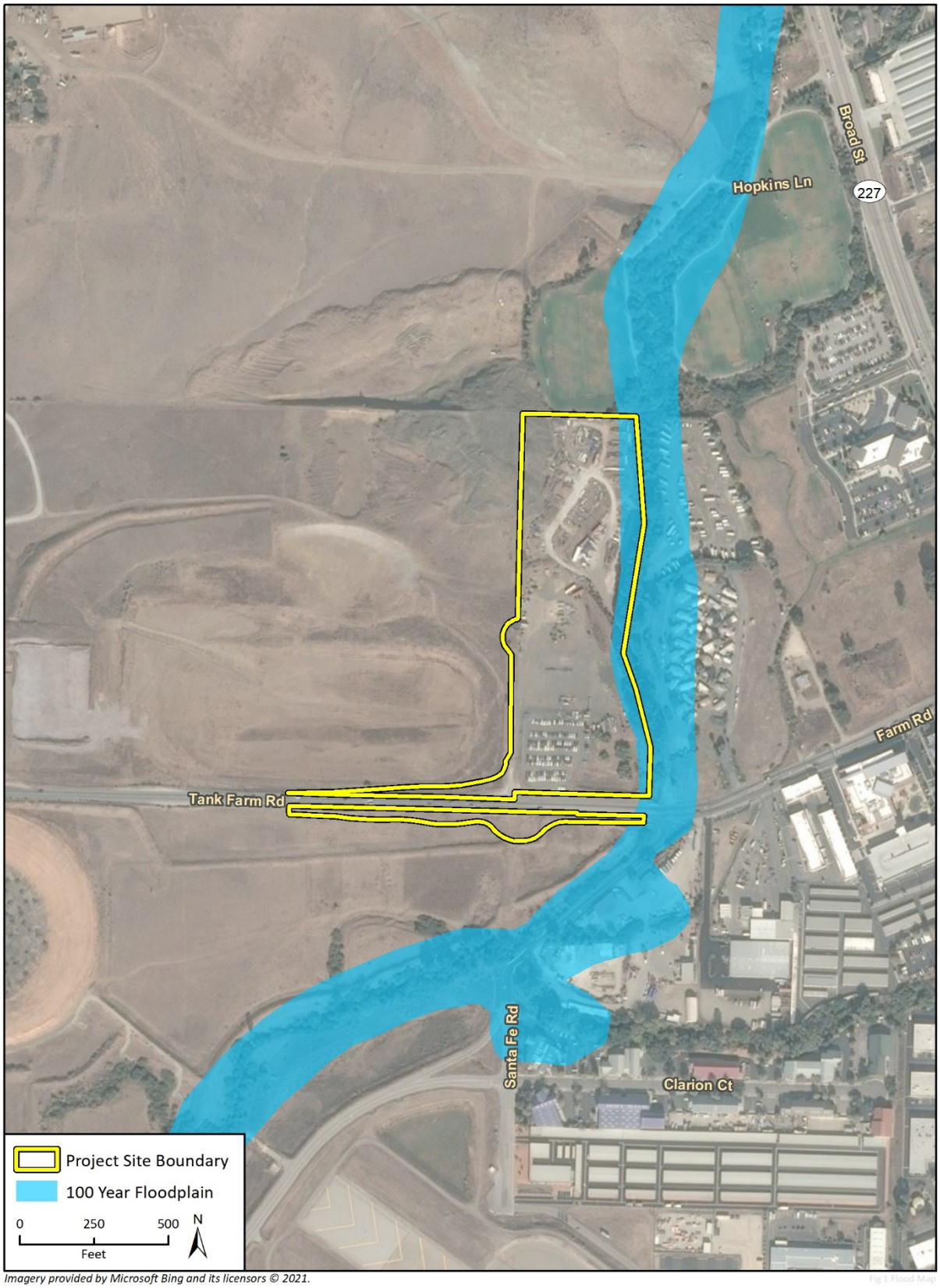
According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No 06079C1332G (November 16, 2021), the eastern portion of the project site is located with Zone A of the Acacia Creek 100-year floodplain. Zone A is defined as areas subject to inundation by the 1-percent-annual-chance flood (100-year flood) with the base flood elevation not defined. Figure 4.7-1 shows the location of the flood zone in relation to the project site.

c. Water Quality

All storm drains within the City lead directly to creeks and ultimately to the Pacific Ocean. None of this stormwater is treated in a municipal treatment plant before entering these water bodies, although many recent urban development projects include a variety of on-site stormwater treatment features designed to protect water quality. The primary sources of pollutants to the watershed are land development, hydromodification, and agriculture. There are also many other sources that contributor to water quality impairments in the watershed, including wastewater treatment plant discharge, urban runoff, wildlife, grazing, transient encampments, pet waste, and sanitary sewer overflow (State Water Resources Control Board [SWRCB] 2020, RWQCB 2019, RWQCB 2002, and Coastal San Luis Resources Conservation District 2014).

The East Fork of the San Luis Obispo Creek is designated by the Central Coast RWQCB as having present and potential beneficial uses for municipal supply; agricultural supply; water contact recreation; non-contact water recreation; groundwater recharge; wildlife habitat; cold fresh water habitat; migration of aquatic organisms; spawning; reproduction, and/or early development; and commercial and sport fishing. There are no designated beneficial uses for Acacia Creek. San Luis Obispo Creek is listed on the 2016 Clean Water Act (CWA) Section 303(d) list as impaired for nitrate, sodium, chloride, dissolved oxygen, fecal coliform, *Escherichia coli* (E. coli), and benthic community effects nutrients and pathogens, where concentration levels of these pollutants exceed the numerical targets established by the Central Coast RWQCB’s Water Quality Control Plan (Basin Plan). Acacia Creek is not on the CWA Section 303(d) list of impaired waters (SWRCB 2017). In response to water quality impairments, the Central Coast RWCQB has adopted Total Maximum Daily

Figure 4.7-1 Flood Zone



Imagery provided by Microsoft Bing and its licensors © 2021.
Floodplain data provided by FEMA, 2020.

Loads (TMDLs) for nutrients and pathogens for San Luis Obispo Creek (RWCQB 2019).

d. Groundwater

The City is underlain by the San Luis Obispo Valley Groundwater Basin which underlies the San Luis and Edna Valleys. the San Luis Obispo Valley Groundwater Basin is bounded on the northeast by the Santa Lucia Range, on the southwest by the San Luis Range, and on all other sides by impermeable Miocene and Franciscan Group rocks. Groundwater was encountered at depth of 14 feet below ground surface (bgs) in borings conducted as part of the *Soils Engineering Report* prepared for the project (Appendix F). Recharge to the basin is from infiltration of precipitation, applied irrigation water, and streamflow (Department of Water Resources [DWR] 2004).

Groundwater quality is affected by natural chemical constituent sources (e.g., contact with mineralized rock within which the groundwater is contained) or human-related sources (e.g., pesticide or fertilizer contamination). Groundwater within the San Luis Obispo area is considered suitable for agricultural water supply, municipal and domestic supply, and industrial use (RWQCB 2019). The general mineral character of groundwater in the groundwater basin is magnesium-calcium. Water quality issues vary by location within the groundwater basin, with nitrates, salinity, hardness, total dissolved solids, chloride, and perchloroethylene (PCE) historically being the constituents of greatest concern (DWR 2004, Coastal San Luis Resources Conservation District 2014).

4.7.2 Regulatory Setting

Hydrologic resources and water quality are governed primarily by federal, state, and local laws that would apply to future development under the Project. Some activities under the Project would require coordination and permits from federal, state, and local agencies. Federal, state, and local regulations that are directly relevant the project are summarized below.

a. Federal Regulations

Federal Clean Water Act

In 1972, the 1948 Federal Water Pollution Control Act was amended to require that the discharge of pollutants into waters of the U.S. from any point source be effectively prohibited unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. This amendment became the basis for what was by 1977 referred to as the CWA. In 1987, the CWA was again amended to require that the United States Environmental Protection Agency (US EPA) establish regulations for the permitting of stormwater discharges (as a point source) by municipal and industrial facilities and construction activities under the NPDES permit program. The regulations require that from municipal separate storm sewer system (MS4)[1] discharges to surface waters be regulated by an NPDES permit.

Regulations on storm water discharges from MS4s were implemented with a two-phased program. Phase I, promulgated by US EPA in November 1990, requires NPDES permits for storm water discharges from MS4s serving populations of 100,000 or greater, construction sites disturbing greater than 5 acres of land, and ten categories of industrial activities.

[1] An MS4 is a conveyance or system of conveyances designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches) that are that owned by a state, city, town, or other public entity and discharge to waters of the United States.

The US EPA recognized that smaller construction projects (disturbing less than 5 acres) and small MS4s (serving populations smaller than 100,000) were also contributing substantially to pollutant discharges nationwide. Therefore, to further improve storm water quality, the US EPA promulgated the NPDES Phase II program (*Federal Register* Vol. 64, No. 235, December 8, 1999). The Phase II regulations became effective on February 7, 2000 and require NPDES permits for storm water discharges from regulated small MS4s and for construction sites disturbing between 1 acre and 5 acres of land.

CWA Section 208, Areawide Waste Treatment Management

Section 208 of the CWQ required all states to address water quality degradation from nonpoint source pollution and to develop either regulatory or non-regulatory programs to control nonpoint source pollution. A state's Section 208 program must meet US EPA approval.

CWA Section 303, List of Water Quality Limited Segments

Section 303 of CWA requires States to adopt water quality standards for water bodies and have those standards approved by US EPA. Water quality standards consist of designated beneficial uses for a particular water body (e.g., wildlife habitat, agricultural supply, and fishing), along with water quality criteria necessary to support those uses. Water quality criteria include quantitative set concentrations, levels, or loading rates of constituents—such as pesticides, nutrients, salts, suspended sediment, and fecal coliform bacteria—or narrative statements that represent the quality of water that support a particular use.

When designated beneficial uses of a particular water body are being compromised by water quality, Section 303(d) of the CWA requires identifying and listing that water body as impaired. Once a water body has been deemed impaired, a TMDL must be developed for each impairing water quality constituent. A TMDL is an estimate of the total load of pollutants from point, non-point, and natural sources that a water body may receive without exceeding applicable water quality standards (often with a “factor of safety” included, which limits the total load of pollutants to a level well below that which could cause the standard to be exceeded). Once established, the TMDL is allocated among current and future dischargers into the water body.

CWA Section 304(a), Water Quality Criteria

Section 304(a)(1) of the CWA requires the US EPA to develop, publish and periodically revise y criteria for protection of water quality and human health that reflect the latest scientific knowledge. Water quality criteria developed under section 304(a) are based on data and scientific judgments on the relationship between pollutant concentrations and environmental and human health effects. Section 304(a) also provides guidance to states in adopting water quality standards.

CWA Section 402, National Pollutant Discharge Elimination System

Direct discharges of pollutants into waters of the U.S. are not allowed, except in accordance with the NPDES program established in Section 402 of the CWA. Non-point source discharges to stormwater are regulated under stormwater NPDES permits for municipal stormwater discharges, industrial activities, and construction activities. These permits require development of and adherence to a Stormwater Control Plan or Storm Water Pollution Prevention Plan (SWPPP).

National Flood Insurance Program

Congress acted to reduce the costs of disaster relief by passing the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The intent of these acts was to reduce the need for large, publicly funded flood control structures and disaster relief efforts by restricting development in floodplains. FEMA administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities that comply with FEMA regulations limiting development in a floodplain. FEMA issues FIRMs of communities participating in the NFIP. These maps delineate flood hazard zones in the community.

U.S. Army Corps of Engineers

The Army Corps of Engineers (USACE) is the federal agency that studies, constructs, and operates regional-scale flood protection systems with state and local agencies. Agreements between the USACE and its state and local partners are used to define shared financial responsibilities and regulations that affect the local partners. Any work that is within USACE jurisdiction, which includes Acacia Creek and its tributaries, requires permitting through USACE.

b. State Regulations

Porter-Cologne Water Quality Control Act of 1969

The federal CWA places the primary responsibility for the control of water pollution and planning the development and use of water resources with the states, although it does establish certain guidelines for the states to follow in developing their programs. California's primary statute governing water quality and water pollution is the Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act). The Porter-Cologne Act grants SWRCB and the nine RWQCBs broad powers to protect water quality and is the primary vehicle for the implementation of California's responsibility under the federal CWA. The Porter-Cologne Act grants the SWRCB and RWQCBs the authority and responsibility to adopt plans and policies, to regulate discharges to surface water and groundwater, to regulate waste disposal sites, and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, oil, or petroleum product. Each RWQCB must formulate and adopt a water quality control plan for its region. The regional plans are to conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State water policy. The Porter-Cologne Act also provides that an RWQCB may include in its region a regional plan with water discharge prohibitions applicable to particular conditions, areas, or types of waste. The City, including the project site, is within the jurisdictional boundaries of the Central Coast RWQCB (Region 3).

California Toxics Rule

Because California had not established a complete list of acceptable water quality criteria for toxic pollutants, US EPA Region IX established numeric water quality criteria for toxic constituents in the form of the California Toxics Rule (CTR). The CTR provides water quality criteria for certain potentially toxic compounds for inland surface waters, enclosed bays, estuaries, and waters designated for human health or aquatic life uses. The CTR is often used by the RWQCBs when establishing water quality objectives and TMDLs. Although the CTR criteria do not apply directly to discharges of storm water runoff, they are utilized as benchmarks for toxics in urban runoff. The CTR is used as a benchmark to evaluate the potential ecological impacts of storm water runoff to

receiving waters. The CTR establishes acute and chronic surface water quality standards for certain water bodies. Acute criteria provide benchmarks for the highest permissible concentration below which aquatic life can be exposed for short periods of time without deleterious effects. Chronic criteria provide benchmarks for an extended period of time (i.e., 4 days or more) without deleterious effects. The acute CTR criteria have a shorter relevant averaging period (less than 4 days) and provide a more appropriate benchmark for comparison for storm water flows.

CTR criteria apply to the receiving water body and are calculated based on the probable hardness values of the receiving waters. At higher hardness values for receiving waters, certain constituents (including copper, lead, and zinc) are more likely to be complexed (bound with) components in the water column. This in turn reduces the bioavailability and resulting potential toxicity of these metals.

Phase II Municipal Storm Water Permit

The Municipal Storm Water Permitting Program regulates storm water discharges from MS4s. The NPDES MS4 permits in California are issued in two phases by the SWRCB and RWQCBs. Phase I MS4 permits are issued by the RWQCBs to medium (i.e., serving between 100,000 and 250,000 people) and large (i.e., serving more than 250,000 people) municipalities. Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. The Phase II MS4 Permit is issued by the SWRCB and is applicable to smaller municipalities (i.e., populations of less than 100,000 people) and nontraditional small MS4s (e.g., military bases, public campuses, and prison and hospital complexes). The Phase II MS4 Permit (*Waste Discharge Requirements [WDRs] for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems [MS4s] General Permit],* Order No. 2013-0001-DWQ, NPDES No. CAS000004) became effective on July 1, 2013 and covers Phase II permittees statewide. The Phase II MS4 Permit designated the City of San Luis Obispo as a regulated small MS4. The Phase II MS4 Permit require the permittees to develop a Storm Water Management Program and individual dischargers to develop and implement Storm Water Quality Management Plans.

The City submitted a Storm Water Management Program to the Central Coast RWQCB in July 2013 in compliance with the Phase II MS4 Permit requirements. Development in the City is required to be undertaken in strict accordance with conditions and requirements of the Storm Water Management Program, which includes distinct Post-Construction Requirements (PCRs) for on-site retention/ volume control, treatment of runoff, channel protection, flood control, and redevelopment.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) of 2014 is a comprehensive three-bill package that Governor Jerry Brown signed into California state law in September 2014. The SGMA provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for State intervention, if required to protect the resource. The plan is intended to ensure a reliable groundwater supply for California for years to come. The SGMA requires governments and water agencies of high- and medium-priority basins to halt overdrafts of groundwater basins. The SGMA requires the formation of local groundwater sustainability agencies (GSAs) that are required to adopt Groundwater Sustainability Plans (GSPs) to manage the sustainability of the groundwater basins.

DWR has designated the San Luis Obispo Valley Groundwater Basin as a very high priority basin. To comply with SGMA, two GSAs were formed to manage the groundwater resources in the San Luis Obispo Valley Groundwater Basin: the County of San Luis Obispo Groundwater Sustainability Agency

and the City of San Luis Obispo Groundwater Sustainability Agency (County of San Luis Obispo 2021). The City and the County entered into a Memorandum of Agreement (MOA) with the Edna Valley Growers Mutual Water Company, Varian Ranch Mutual Water Company, Edna Ranch Mutual Water Company, and Golden State Water Company to establish a Groundwater Sustainability Commission (GSC). The GSC is in currently in the process of developing a GSP for the San Luis Obispo Valley Groundwater Basin.

General Construction Activity Storm Water Permit

The *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ (Construction General Permit), adopted by the SWRCB, regulates construction activity that includes clearing, grading, and excavation resulting in soil disturbance of at least one acre of total land area. The Construction General Permit authorizes the discharge of stormwater to surface waters from construction activities. The Construction General Permit requires that all developers of land where construction activities will occur over more than 1 acre do the following:

- Complete a Risk Assessment to determine pollution prevention requirements pursuant to the three risk levels established in the General Permit;
- Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the United States;
- Develop and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMPs) that will reduce pollution in stormwater discharges to the Best Available Technology/ Economically Achievable/Best Conventional Pollutant Control Technology standards;
- Perform inspections and maintenance of all BMPs; and
- Conduct stormwater sampling, if required based on risk level.

To obtain coverage under the Construction General Permit, a project applicant must electronically file all permit registration documents with the SWRCB prior to the start of construction. Permit registration documents must include a:

- Notice of Intent (NOI),
- Risk Assessment,
- Site map,
- SWPPP,
- Annual fee, and
- Signed certification statement.

Typical BMPs contained in SWPPPs are designed to minimize erosion during construction, stabilize construction areas, control sediment, and control pollutants from construction materials. The SWPPP must also include a discussion of the program to inspect and maintain all BMPs.

California Department of Water Resources

DWR is the state agency that studies, constructs, and operates regional-scale flood protection systems, in partnership with federal and local agencies. DWR also provides technical, financial, and emergency response assistances to local agencies related to flooding.

Several bills were signed by Governor Schwarzenegger in 2007, adding to and amending state flood and land use management laws. The laws contain requirements and considerations that outline a comprehensive approach to improving flood management at state and local levels.

c. Local Regulations

Water Quality Control Plan

In accordance with the California Water Code, the Central Coast RWQCB developed the *Water Quality Control Plan for the Central Coast Basin* (2019) (Basin Plan) designed to preserve and enhance water quality and protect the beneficial uses of all regional waters. Specific beneficial uses are identified in the Basin Plan for each of the surface waters and groundwater management zones described in the Basin Plan. Once beneficial uses are designated, appropriate water quality objectives are established, and programs that maintain or enhance water quality are implemented to ensure the protection of beneficial uses. Water quality objectives for the Central Coastal Basin satisfy state and federal requirements established to protect waters for beneficial uses and are consistent with existing statewide plans and policies.

Post-Construction Stormwater Management Requirements

The Central Coast RWQCB adopted the *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region* (Resolution R3- 2013-0032) in July 2013, which outlines runoff reduction and treatment requirements for compliance with the statewide Phase II MS4 Permit. Resolution R3-2013-0032 outlines PCRs for development projects in the Central Coast Region. The PCRs mandate that development projects use Low Impact Development (LID) BMPs to detain, retain, and treat runoff. LID BMPs incorporate and conserve on-site natural features, combined with constructed hydrologic controls, to more closely mimic pre-development hydrology and watershed processes. A Stormwater Control Plan is required to be prepared for all development projects to demonstrate compliance with the Phase II MS4 Permit requirements.

Waterway Management Plan

The Waterway Management Plan for the San Luis Obispo Creek Watershed was developed after the 1995 rain event that caused extensive flooding and widespread damage throughout the watershed. The plan is divided into three volumes, Volume 1 contains an inventory information and a detailed hydrologic/hydraulic analysis of the watershed and its main tributaries. Volume II presents a Stream Management and Maintenance Program for the waterways of the San Luis Obispo Creek Watershed. Volume III is a Drainage Design Manual and contains policies and standards for floodplain and stream corridor management and provides new design flows for stream channels within the City of San Luis Obispo.

The Waterway Management Plan design requirements for the project are:

- 10-year storm event contained within the streets.
- 100-year storm event outside of the building envelopes.

- No significant increase (less than 5%) in overall watershed peak flows for 2, 10, 50 and 100-year events.
- Setback distance from existing creek top of bank to be a minimum of 35 feet.
- Finish floors 1 foot above FEMA base flood elevation

General Plan

The City addresses hydrology and water quality issues through implementation of adopted General Plan policies and programs. These policies are found in the Land Use, Conservation and Open Space, and Safety Elements. The goals and policies from the existing General Plan relate to protecting water quality and minimizing flood hazard risk within the city. The City seeks to protect and enhance creek corridors to promote wildlife and water conservation. The City seeks to accomplish these goals by promoting responsible stormwater management techniques including using porous paving, preventing creek bank encroachment, and ensuring new developments do not decrease flood capacity of waterways. Under the General Plan, any property within the FIRM defined 100-year flood zone is considered as having a hazard potential requiring specified controls or protective measures.

Municipal Code

Stormwater Quality Ordinance

The purpose and intent of the Stormwater Quality Ordinance (Section 12.08 of the City Municipal Code) is to ensure the health, safety, and general welfare of citizens. The ordinance also protects and enhances the quality of watercourses and water bodies in a manner pursuant to and consistent with the CWA by reducing pollutants in stormwater discharges to the maximum extent practicable, by prohibiting non-stormwater discharges to the storm drain system and improving stormwater management. Section 12.08.150 requires preparation of a SWPPP prior to issuance of permits for any activity which may contribute pollutants to the storm drain system. Section 12.08.150 also requires new development and redevelopment to comply with City design standards requiring implementation of BMPs to control the volume, rate, and potential pollutant load of stormwater runoff from newly developed property. These requirements are incorporated in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment.

Creek Setbacks

The Zoning Regulations (Section 17.70.030 of the City Municipal Code) require a 35-foot setback from the top of bank for new structures or from the edge of the predominant pattern of riparian vegetation, whichever is farther from the creek flow line. Zoning Regulations Section 17.70.030 also stipulates that an exception to the creek setback requirements may be considered where substantiated evidence is available that will result in better implementation of other Zoning Regulations or General Plan policies while allowing reasonable use of the site, and specific findings are made by the decision-making body.

Flood Damage Prevention

Section 17.78 of the City Municipal Code applies to areas of special flood hazard as identified by FEMA, which are areas that FEMA has identified as subject to inundation by the 100-year flood. The

City Floodplain Administrator reviews all development permits to determine if the City floodplain development requirements are met, the project is reasonably safe from flooding, the proposed development does not adversely affect carrying capacity of the base flood, and cumulative development does not increase the water surface elevation of the base flood more than one foot. Additionally, an approved Letter of Map Revision (LOMR) is required from FEMA prior to issuance of building permits. Section 17.78 also specifies design standards for development with a 100-year floodplain to minimize flood damage.

Airport Area Specific Plan

The project site is located within the Airport Area Specific Plan (AASP). AASP Policy 3.2.1 calls for establishing healthy, continuous riparian vegetation along Acacia Creek within the subject property. The AASP anticipates a 35-foot setback from Acacia Creek, deferring specific setback requirements to Section 17.70.030 of the Municipal Code.

4.7.3 Impact Analysis

a. Methodology

Project impacts to hydrology and water quality are evaluated based on the proposed project's adherence to local, State, and federal standards; the proposed land uses and project design; changes in pre- and post-project stormwater flows; and proposed BMPs for control of surface runoff and reduction of pollutants in stormwater runoff.

b. Thresholds of Significance

The following thresholds are based on Appendix G of the *State CEQA Guidelines*. Impacts would be significant if the project would:

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
    (i) Result in substantial erosion or siltation on- or off-site;
    (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
    (iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
    (iv) Impede or redirect flood flows;
d. In a flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundations;
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Potential impacts related to water quality standards (checklist item a), ground water supplies and recharge (checklist item b), flood hazards (checklist item d), and conflicts with a water quality control plan or sustainable groundwater management plan (checklist item e) are discussed in Section 4.11 *Impacts Addressed in the Initial Study*. These impacts were found to be less than significant.

c. Impact Analysis

Threshold c(i): Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

Threshold c(ii): Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Threshold c(iii): Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Impact HWQ-1 NEW IMPERVIOUS SURFACES WOULD ALTER EXISTING DRAINAGE PATTERNS AND INCREASE STORMWATER RUNOFF AND POLLUTANT DISCHARGE. IMPLEMENTATION OF BMPS IN COMPLIANCE WITH CITY DESIGN GUIDELINES AND PHASE II MS4 PERMIT REQUIREMENTS AND WOULD ENSURE THAT POTENTIAL EROSION, FLOODING, AND ASSOCIATED WATER QUALITY IMPACTS TO ON-SITE AND OFF-SITE DRAINAGE WOULD BE REDUCED. HOWEVER, THE PLANNED ROUNDABOUT AND FRONTAGE IMPROVEMENTS ALONG TANK FARM ROAD WOULD REQUIRE A FUTURE RETENTION BASIN LOCATED WITHIN THE FOOTPRINT OF THE CHEVRON TANK FARM REMEDIATION AND DEVELOPMENT PROJECT, WHICH MAY NEED TO BE CONSTRUCTED BY THE APPLICANT TO SUPPORT THE PROJECT. CONSTRUCTION OF THIS OFF-SITE IMPROVEMENT WOULD RESULT IN A POTENTIALLY SIGNIFICANT IMPACT, REQUIRING MITIGATION.

Construction

The project is planned to be constructed in two phases between approximately 2022 and 2025. Phase 1, planned to begin in mid-2022 and end in mid-2024, would include 124 multifamily residential units on the central portion of the project site, the completion of Santa Fe Road along the project frontage, completion of the shared-use bicycle/pedestrian path along Acacia Creek connecting bicycles and pedestrians from Tank Farm Road to Damon-Garcia Sports Fields, construction of the Tank Farm Road/Santa Fe Road (west) roundabout (north, west and east legs with two westbound lanes and one eastbound lane), and the completion of the frontage improvements along Tank Farm Road. Phase 2, planned to begin at the start of 2024 and conclude at the end of 2025, would include 116 multifamily residential units, 40 mixed-use units and 12,500 square feet of commercial-service/office space, and remaining project improvements.

During project construction activities, soil would be exposed and disturbed, drainage patterns would be temporarily altered during grading and other construction activities, and there would be an

increased potential for soil erosion, siltation, flooding, and discharge of construction-related pollutants compared to existing conditions. Project construction activities would not directly affect Acacia Creek because the proposed project does not include physical improvements to the creek. Both phases of project construction would be required to comply with the requirements of the Construction General Permit, which requires preparation and implementation of a SWPPP. The SWPPP would detail Erosion Control, Sediment Control, and Good Housekeeping BMPs to be implemented during project construction to minimize erosion, retain sediment on site, control flooding, and reduce pollutant discharge to stormwater. Compliance with the requirements of the Construction General Permit and implementation of the construction BMPs would ensure construction impacts related to on- or off-site erosion or siltation, flooding, and additional sources of polluted runoff would be less than significant.

Operation

The project would involve construction of a mixed-use project with residential units and commercial-service/office uses on the project site. In addition, several off-site transportation amenities would be required in order to facilitate the project, including a roundabout and frontage improvements along Tank Farm Road, and the construction of the Santa Fe Road extension. The project would result in new impervious surface which would increase stormwater runoff from the project site. Surface water flows travel faster as they run along impermeable surfaces and channelized drainages, which can result in increased peak discharge flows, erosion, stormwater runoff, and risk of flooding. As stormwater runoff increases in flow speed, discharge into downstream drainages can lead to increased soil erosion and sedimentation and degraded water quality.

The proposed residential and commercial-service/office uses would introduce new pollutants of concern to stormwater runoff from the project site. Oils, chemicals, and other contaminants from vehicles, pesticides, fertilizers, dust contaminants, pathogens and bacteria from pet waste, trash, and other urban runoff can be transported to downstream drainages and storm drains during rain events, resulting in potential water quality impacts.

As detailed further below, the Phase II MS4 Permit requirements for flow reduction and water quality treatment would be achieved through compliance with the following four PCRs specified in the *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region*:

1) **Runoff reduction** will be accomplished by utilizing roof drain disconnects and minimization of impervious areas.
2) **Water quality treatment** will be achieved using on-site retention-based infiltration.
3) **Retention of 95th percentile storm events** will be achieved using on-site storage, which will retain and infiltrate the required 95th percentile retention volume.
4) **Peak flow management** will be achieved using on-site storage. The bioretention areas would attenuate the post-development peak flow to below existing peak flow levels for the 2-year through 10-year storm event as shown in Table 4.7-1.

In the proposed condition, stormwater runoff from the mixed-use development, Santa Fe Road extension, and westbound Tank Farm Road adjacent to the project site would continue to flow to Acacia Creek similar to the existing condition. The project would include implementation of BMPs in compliance with City and Phase II MS4 Permit requirements. Specifically, prior to discharge off-site,

stormwater from the mixed-use development, Santa Fe Road extension, and westbound Tank Farm Road adjacent to the project site would be captured in six on-site bioretention areas. The grading would also contour the project site for stormwater to drain from west to east toward localized surface bioswales adjacent to Acacia Creek, which would drain toward the retention basin in the southeast corner of the site. The existing retention basin would be reconfigured as part of the project. The new basin configuration would be determined upon completion of final project plans.

The City's Drainage Master Plan and the City's storm water regulations require that watershed peak flows not be increased by more than 5 percent which would be achieved through implementation of the proposed BMPs. As shown in Table 4.7-1, stormwater runoff from the mixed-use development would be discharged at the pre-development rate for the 2-year through 10-year storm event. Additionally, discharge to Acacia Creek would not exceed the allowable 5 percent increase for the 2-year through 100-year storm event as also shown in Table 4.7-1.

Table 4.7-1 Pre- and Post-Project Stormwater Flow

	Project Site Discharge (cfs)		Acacia Creek Discharge (cfs)			
Storm Event	Q_{pre}	Q_{post}	Q_{pre}	Q_{post}	ΔQ (%)	Exceeds 5% Increase?
2-year	3.54	3.54	397.94	397.94	0.00	No
10-year	9.93	9.93	804.31	804.31	0.00	No
25-year	12.34	15.41	1073.77	1076.84	0.29	No
50-year	14.29	17.87	1297.14	1300.72	0.28	No
100-year	16.38	20.47	1468.93	1468.02	0.28	No

Q = flow
Δ = change
cfs = cubic feet per second
Source: RRM Design Group, February 8, 2021 (see Appendix F)
Note: Stormwater flow calculations do not include the proposed roundabout

In addition to stormwater flow attenuation, BMPs would be required to reduce pollutants of concern in stormwater discharged from the project site. BMPs would include, but not be limited to, the proposed on-site bioretention areas and bioswales. To demonstrate compliance, a Stormwater Control Plan would be required to be prepared for the project and reviewed and approved by the City.

Off-site transportation requirements to facilitate the project, including a roundabout, frontage improvements along eastbound Tank Farm Road adjacent to the project site, and the frontage improvements along Tank Farm Road west of the roundabout would increase impervious surface areas, and increase stormwater runoff and pollutant discharge. Stormwater runoff from these transportation infrastructure improvements would be required to be collected, retained, and treated by drainage features and water quality BMPs in compliance with the *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region* to reduce stormwater flow and pollutants of concern from the roadway facilities. Stormwater runoff from these improvements is proposed to be directed to a future retention basin located within the footprint of the Chevron Tank Farm Remediation and Development Project at the northwest corner of the proposed roundabout. The Final EIR for the Chevron Tank Farm Remediation and Development Project was certified by the City Council in September 2014. The location of this retention basin is shown in the *Drainage Report* (Appendix F). Stormwater BMPs for these

transportation improvements would also be included in the Stormwater Control Plan prepared for the project to demonstrate compliance with the requirements of the *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region*.

Implementation of BMPs in compliance with City and Phase II MS4 Permit drainage and water quality requirement would ensure that operational impacts related to on- or off-site erosion or siltation, flooding, and additional sources of polluted runoff would support stormwater runoff for the project. However, because the future retention basin identified for drainage of the roundabout, frontage improvements along eastbound Tank Farm Road adjacent to the project site, and frontage improvements along Tank Farm Road west of the roundabout is located within the Chevron Tank Farm Remediation and Development Project and is not planned for construction by the City or project applicant, the required drainage associated with this retention basin is not currently available. If this retention basin is not constructed as part of the Chevron Tank Farm Remediation and Development Project prior to construction of the roundabout and Tank Farm Road frontage improvements, drainage impacts would be potentially significant, requiring mitigation.

Mitigation Measures

HWQ-1(a) Chevron Property Retention Basin

The developer shall ensure the future retention basin on the Chevron Tank Farm Remediation and Development Project property identified in the *Drainage Report* prepared for the project by RRM Design Group is constructed prior to or concurrent with the construction of the roundabout, frontage improvements along eastbound Tank Farm Road adjacent to the project site, and frontage improvements along Tank Farm Road west of the roundabout.

Significance After Mitigation

With implementation of Mitigation Measure HWQ-1(a), potential drainage impacts associated with the planned roundabout and frontage improvements along Tank Farm Road would be reduced to a less than significant level.

Residual Environmental Effects

If constructed by the applicant/developer, construction of the future retention basin would constitute an off-site improvement that may require subsequent environmental review consistent with the requirements of CEQA Guidelines Section 15152 at the time design-level information is available for the required improvement. This potential off-site improvement has not been designed, and evaluation of the potential environmental effects of such improvements in this EIR would be speculative (CEQA Guidelines Section 15145). Therefore, the discussion of such improvements in this EIR is intended to provide a programmatic discussion of the potential environmental effects that may result from construction the improvements.

At a programmatic level, the potential environmental effects of constructing a new retention basin on the Chevron Tank Farm Remediation and Development Project property at the northwest corner of the proposed roundabout would be generally similar to the effects of constructing the planned roundabout and frontage improvements, which would involve excavation, grading, and the potential for new paved/impervious surfaces, but would not involve construction of new buildings or structures. Environmental resources areas that could be affected would include air quality, biological resources, cultural resources and tribal cultural resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, noise, and

utilities and service systems. Potential mitigation required to reduce residual environmental effects to a less than significant level would generally be similar to mitigation measures required for these resources in this EIR.

Threshold c(iv): Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

Impact HWQ-2 THE EASTERN PORTION OF THE PROJECT SITE IS WITHIN AN EXISTING 100-YEAR FLOOD ZONE. HOWEVER, CREEK SETBACKS AND COMPLIANCE WITH FEMA AND CITY REGULATIONS WOULD ENSURE THAT THE PROJECT WOULD NOT PLACE STRUCTURES WITHIN A 100-YEAR FLOOD HAZARD AREA WHICH COULD IMPEDE OR REDIRECT FLOOD FLOWS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

The proposed project does not involve grading or placement of structures within Acacia Creek channel that could impede or redirect flood flows. City development regulations specify the required setbacks for Acacia Creek. Figure 2-7 shows the location of the top of bank for Acacia Creek near the project site. The Zoning Regulations section 17.70.030 requires a 35-foot setback from the top of bank for new structures. The proposed project is requesting a minimum setback of approximately 10 feet from the average top of bank for a bicycle/pedestrian path to connect to Damon-Garcia Sports Fields (and an average bike path setback of 20 feet) and a minor exception for a maximum 15-foot encroachment into the setback for portions of Buildings 6, 7 and 13 from the average top of bank. Zoning Regulations Section 17.70.030 stipulate that an exception to the creek setback requirements may be considered where substantiated evidence is available that will result in better implementation of other Zoning Regulations or General Plan policies while allowing reasonable use of the site, and specific findings can be made by the decision-making body. The project would implement General Plan policies related to improving walkability, neighborhood access, providing sidewalks and paths, and incorporating pedestrian and bicycle linkages (Land Use Element Policy 10.4, Circulation Element Policy 4.1.4 and Policy 5.1.2, and Housing Element Policy 7.3). In addition, the project proposes an increase in the riparian setback elsewhere along the corridor, with a riparian setback that averages approximately 40 feet. The project would comply with the proposed setbacks discussed above and no project improvements would not be constructed within the Acacia Creek channel.

The project would also not place structures within the Acacia Creek 100-year floodplain that could impede or redirect flood flows. The floodplain boundary on the current FEMA FIRM map reflects the overtopping of the Acacia Creek bank adjacent to the project site during a 100-year storm event. Grading and improvements to the Acacia Creek bank were approved as part of the separate, adjacent 650 Tank Farm Road Mixed-Use Project which would decrease the limits of the 100-year floodplain on the project site. The grading and bank improvements associated with the 650 Tank Farm Road Mixed-Use Project are anticipated to be constructed prior to construction of the proposed project. As part of the proposed project, a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) would be required to be processed through the City and FEMA. The CLOMR/LOMR would modify the FIRM maps to redefine the floodplain boundary and reflect the actual floodplain condition on the project site once the 650 Tank Farm Road Mixed-Use Project is constructed. Pursuant to the requirements of Section 17.78 of the City Municipal Code, the City would require the CLOMR/LOMR process to be completed prior to issuance of grading and building permits for the proposed project. Based on the limits of the floodplain subsequent to completion of

the CLOMR/LOMR process associated with the 650 Tank Farm Road Mixed-Use Project, the proposed project would not involve any improvements within the 100-year floodplain.

As discussed under Impact HWQ-1, with implementation of retention BMPs in compliance with City and Phase II MS4 Permit requirements, the project would not increase discharge to Acacia Creek beyond the allowable 5 percent increase for the 2-year through 100-year storm event. Therefore, the project would not substantially alter or increase flood flows or change the morphology of Acacia Creek downstream of the project site. For these reasons, impacts related to alteration of the existing drainage pattern in a manner that would impede or redirect flood flows would be less than significant.

Mitigation Measures

Impacts related to alteration of the existing drainage pattern in a manner that would impede or redirect flood flows would be less than significant and no mitigation is required.

d. Cumulative Impacts

As described in Section 3, Environmental Setting, a substantial amount of development is proposed, planned, or underway in the southeastern portion of San Luis Obispo including the San Luis Ranch Specific Plan, Avila Ranch Specific Plan, Margarita Area Specific Plan, AASP, Orcutt Area Specific Plan, and Froom Ranch Specific Plan. The mobile home park property adjacent to the subject property (650 Tank Farm Road) has approved entitlements for the development of residential mixed-use and assisted living facilities (San Luis Obispo 2019b). The property further to the east at the northwest corner of Tank Farm Road and Broad Street (660 Tank Farm Road) has been proposed to be redeveloped with an assisted living facility and retail commercial development. Under the Chevron Tank Farm Remediation and Development Project, business parks would be developed immediately to the west of the subject property and to the south of Tank Farm Road.

Cumulative development in the City of San Luis Obispo consists of approximately 4,039 residential units, 605 senior and assisted living units, 817 hotel rooms, 1.2 million square feet of commercial/business park development, and a 17,703 square foot water resource facility. Cumulative development in the City would increase impervious surfaces, redirect the drainage of surface flow during storm events, and increase pollutant loading, peak flows, erosion, sedimentation, and flooding.

Compliance with NPDES and local water quality requirements and City drainage design guidelines would minimize potentially significant cumulative impacts. All projects that disturb one acre or more of soil must comply with the requirements of the Construction General Permit. Additionally, all projects that would create and/or replace 5,000 square feet or more of impervious surface would be required to comply with the Phase II MS4 Permit. Implementation of a SWPPP (for construction), and a Stormwater Control Plan (for operation) would be required for each cumulative project to determine appropriate BMPs to minimize water quality impacts. The proposed project, as well as other cumulative development in City, would be required to prepare a hydrology report and implement drainage facilities to minimize hydrologic impacts consistent with applicable City design guidelines. The design of each project would be subject to City review and approval relative to accommodating surface flows and retention of runoff on-site. Compliance with the Construction General Permit, the City drainage design guidelines, and the Phase II MS4 requirements would ensure that each individual project would incorporate BMPs and other drainage facilities designed to address drainage and surface water quality protection. As a result, cumulative impacts to water quality, drainage, flooding, and sedimentation would be adverse, but less than significant.

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4.8 Land Use and Planning

This section analyzes the effects of the proposed project related to land use and planning. This section is based partially on a preliminary analysis of the project's consistency with goals, policies, actions, and development standards of various regulatory documents adopted by the city and applicable to the project site. The policy full consistency analysis is included as Appendix G.

4.8.1 Environmental Setting

a. Regional Land Use

The project site is located within the City of San Luis Obispo and adjacent to unincorporated areas of San Luis Obispo County. The project site is adjacent to the southern city limit, approximately 0.3 miles north of the San Luis Obispo County Regional Airport. Within the city limit, the project site is located near regional employment centers along Tank Farm Road to the south and existing and planned commercial and mixed-use centers along Broad Street to the east. The project site is in a mixed urban and rural setting, with the Chevron tank farm sites, the San Luis Obispo County Regional Airport, and agricultural operations to the west and south.

b. Project Site Land Use

The project site is located at 600 Tank Farm Road and is bordered by Tank Farm Road to the south, Acacia Creek to the east, Damon-Garcia Sports Fields to the north, and an undeveloped Chevron property to the west. The San Luis Obispo city limit line follows the southern and western boundary of the project site and parallels the southern side of Tank Farm Road south of the project site, as shown in Figure 2-3 in Section 2, *Project Description*.

The project site is currently designated Business Park (BP), and is located within the Airport Area Specific Plan (AASP). The project site is zoned Business Park (BP-SP) with a small portion of the property within the Conservation Open Space (C/OS) zone delineating a portion of Acacia Creek which is primarily located on the adjacent property to the east. The project site is also located Airport Safety Zone 6 (the Traffic Pattern Zone) identified by the San Luis Obispo County Regional Airport Land Use Plan (ALUP) of the San Luis Obispo County Regional Airport (refer to Figure 4.6-1 in Section 4.6, Hazards, Hazardous Materials, and Safety).

The project site is currently used for vehicle parking and construction material storage and has been used previously for rock quarry activities. Properties east of the project site located at 650 Tank Farm Road and 660 Tank Farm Road include approved entitlements for development of residential mixed-use and assisted living facilities. To the west of the project site is a more rural setting which consists of undeveloped Chevron property. Light industrial and business park developments are located south of the project site, and the San Luis Obispo County Regional Airport is located approximately 1,400 feet south across Tank Farm Road.

4.8.2 Regulatory Setting

a. Federal Regulations

Federal Aviation Administration (FAA)

Federal Aviation Regulation, Part 77 Objects Affecting Navigable Airspace. The FAA Airport Design Guide, Advisory Circular (AC) 150/5300-13, contains guidance pertaining to land uses within the runway protection zone (RPZ). As part of FAA grant assurances, if an airport sponsor receives federal funds for an airport, it is required that use of land adjacent to or in the immediate vicinity of the airport be restricted to activities and purposes compatible with normal airport operations.

b. Local Regulations

SLOCOG Regional Transportation Plan and Sustainable Community Strategy

The 2019 Regional Transportation Plan and Sustainable Community Strategy (RTP/SCS) is the region's long-term vision for the transportation system. As required by state and federal law, SLOCOG prepares, updates and adopts the RTP/SCS every four years. The RTP/SCS facilitates compliance with the state mandate for communities to coordinate with state and regional agencies to achieve regional air quality and GHG emission reduction targets. The key principles of these strategies include: locating new employment centers and neighborhoods near transit to reduce vehicle trips and peak congestion; creating communities around transit stations, with small businesses, housing, and restaurants within walking distance to reduce automobile travel; focusing future growth in urban centers and existing cities to reduce vehicle miles traveled and preserve rural and other natural areas; and preserving established single-family neighborhoods and existing natural and green spaces by accommodating new development within existing urbanized areas and downtown regions.

Airport Land Use Plan for the San Luis Obispo County Regional Airport

State law requires an independent, countywide Airport Land Use Commission (ALUC) to adopt an ALUP for each airport. The ALUP is a key governing land use document that sets safety and noise-related restrictions for land uses surrounding the San Luis Obispo County Regional Airport. The San Luis Obispo County Regional ALUP was adopted by the San Luis Obispo by the San Luis Obispo County Airport Land Use Commission (ALUC) in May 2021. The ALUP provides guidance for the establishment of compatible land uses within the Airport Land Use Planning Area. The ALUP contains policies and guidelines which address public safety and noise exposure within the Airport Land Use Planning Area and provides land use guidance based upon established noise and safety corridors. The ALUC oversees development subject to the ALUP to ensure safety, while the City has ultimate jurisdiction over potential land use decisions and future development.

City of San Luis Obispo General Plan

The City's General Plan identifies the appropriate location of land uses, the basic design and function of circulation, open space, and infrastructure, as well as public service needs. It consists of eight state-mandated and optional elements: a Land Use, Circulation, Housing, Noise, Safety, Conservation and Open Space, Parks and Recreation, and Water and Wastewater Elements. Project consistency with applicable policies in the General Plan is discussed below and in the Policy Consistency analysis in Appendix G.

The Land Use Element (LUE) has policies related to growth management, conservation and development of residential neighborhoods, commercial and industrial development, downtown, public and cultural facilities, airport area, sustainability, and health community. The Land Use Element identifies the project site as within Airport Safety Zone S-1c in the current ALUP. LUE policies relating to airport land use that apply to the project are listed below.

- **Policy 7.3. Airport Land Use Plan**. Land use density and intensity shall carefully balance noise impacts and the progression in the degree of reduced safety risk further away from the runways, using guidance from the ALUP, State Aeronautics Act, and California Airport Land Use Planning Handbook guidelines. The City shall use the Airport Master Plan forecasts of aviation activity as a reasonably foreseeable projection of ultimate aviation activity sufficient for long-term land use planning purposes. Prospective buyers of property subject to airport influence should be so informed.
- **Policy 7.4. ALUP Safety Area.** Density and allowed uses within the Safety Areas shall be consistent with the ALUP unless the City overrides a determination of inconsistency in accordance with Section 21676 and 21676.5 et. seq. of the Public Utilities Code. If the City overrides a determination, all land uses shall be consistent with the State Aeronautics Act and guidance provided in the California Airport Land Use Planning Handbook guidelines, City policies, and noise standards as substantiated by the San Luis Obispo County Airport Master Plan activity forecasts as used for noise planning purposes

Airport Area Specific Plan (AASP)

The AASP provides a comprehensive land use program for a 1,255-acre planning area in the southern part of the City generally northwest of the San Luis Obispo County Regional Airport along with goals, policies, programs, guidelines, and development standards to guide future public and private actions in that area. These actions relate to the area's physical development, as well as the conservation of open space and natural resources. In addition, the AASP includes detailed information on necessary infrastructure improvements, and a strategy for ensuring the Plan's implementation.

City of San Luis Obispo Municipal Code

The City of San Luis Obispo Municipal Code provides regulations intended to guide the development of the city in an orderly manner, implement the policies in the General Plan, protect and enhance the quality of the natural and built environment, and to promote the public health, safety and general welfare by regulating the use of land and buildings and the location and basic form of structures. Regulations throughout the zoning code are adopted to mitigate environmental effects. Title 9 of the Municipal Code provides noise regulations, Title 12 includes stormwater, riparian corridor, and tree regulations, and Title 17 provides zoning regulations for development in different zoning districts.

4.8.3 Impact Analysis

a. Methodology

Land use impacts were assessed based upon consistency with applicable land use plans, policies, and regulations included in the General Plan, AASP, ALUP, and the City of San Luis Obispo Municipal Code. Consistency was analyzed based on the proposed land use and zoning changes and the

current development proposal detailed in Section 2, *Project Description*. The complete Policy Consistency analysis is included in Appendix G and summarized below.

b. Thresholds of Significance

The following thresholds are based on Appendix G of the *State CEQA Guidelines*. Impacts would be significant if the project would:

a. Physically divide an established community;
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.

There would be no impacts related to dividing an established community, as discussed in the Initial Study. This analysis is included in Section 4.11, *Impacts Addressed in the Initial Study*.

Conflicts between a project and applicable policies do not constitute significant physical environmental effects in and of themselves. As stated in Section 15358(b) of the *State CEQA Guidelines*, "[e]ffects analyzed under CEQA must be related to a physical change." Section 15125(d) states that EIRs must discuss inconsistencies between the proposed project and applicable general plans that decision-makers should address. A project is considered generally consistent with the provisions and policies of an applicable city or regional land use plan if it is consistent with the overall intent of the plan and would not preclude the attainment of its primary goals. A project does not need to be in perfect conformity with every policy.[1] More specifically, according to the ruling in *Sequoyah Hills Homeowners Association v. City of Oakland*, state law does not require an exact match between a project and the applicable general plan.

Further, Appendix G of the *State CEQA Guidelines* makes explicit the focus on environmental policies and plans, asking if the project would conflict with any applicable "land use plan, policy, or regulation *adopted for the purpose of avoiding or mitigating an environmental effect*" (emphasis added). A policy inconsistency is considered a significant adverse environmental impact under CEQA only when it is related to a policy adopted for the purpose of avoiding or mitigating an environmental effect and it is anticipated that the inconsistency would result in a significant adverse physical impact based on established significance criteria. The compatibility of development allowed under the proposed project with adopted policies that do not relate to physical environmental issues will be considered separately by decision-makers as part of their decision whether to approve or disapprove the proposed project.

[1] *Sequoyah Hills Homeowners Association v. City of Oakland (1993) 23 Cal.App.4th 704,719.*

c. Impact Analysis

Threshold b:	Would the project 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?

Impact LU-1 THE PROJECT WOULD NOT CAUSE A SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO A CONFLICT WITH APPLICABLE POLICIES AND REGULATIONS RELATED TO ENVIRONMENTAL EFFECTS IN THE CITY'S GENERAL PLAN, AASP, MUNICIPAL CODE, AND ALUP. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

General Plan Consistency

The proposed entitlements would change the project site's land use designation from BP to Service Commercial with the Specific Plan overlay (C-S-SP). The C-S-SP designation allows for commercial-service/office uses as well as residential uses as part of a mixed-use project. The project would include 280 residential units. Over the approximately 11.1-acre project site, the project would have approximately 23 density units per acre,[2] consistent with the type and density of development allowed by the C-S-SP designation.

The General Plan includes a number of policies established to minimize the environmental effects of new development. Land Use Element Policy 1.5, 10.1, and 10.4, Circulation Element Policy 5.5.1, and Conservation and Open Space Policy 2.2.4 and 4.4.1 all encourage the development of more housing in close proximity to services to promote walkability. The project would add high-density residential use in close proximity to commercial centers, employment centers, and parks, consistent with these policies. The project's mixed-use residential and commercial component would implement planned transportation improvements in the City's Circulation Element, which include sidewalks and bike lanes along Tank Farm Road and an on-site Class I bike path from the Santa Fe Road extension to the Damon-Garcia Sports Fields. The City also has a growth management policy established in Land Use Element Policy 1.11.2. While the project would facilitate growth within the City compared to existing land uses (and what might otherwise be contemplated in the Business Park zone), the project would be subject to the annual average one percent growth over five-year increments limitation and would be consistent with the growth management policy. Approved Specific Plan areas such as the Airport Area Specific Plan may develop in accordance with the phasing schedule adopted by each specific plan provided the thresholds established by Land Use Element Table 3 are not exceeded. As detailed in Appendix G, the project would be potentially consistent with all applicable General Plan policies that minimize environmental effects such as water quality, scenic quality, archaeological resource protection, and wildlife habitat protection.

The required off-site transportation improvements, including the roundabout and frontage improvements along Tank Farm Road as well as the future alignment of Santa Fe Road are anticipated in the General Plan Circulation Element. Therefore, the proposed transportation improvements are consistent with the City's General Plan.

AASP Consistency

The project site is within the area of the AASP, which includes policies to preserve wetlands, native vegetation, riparian areas, and open space resources, and to reduce impacts from runoff. As

[2] "Density Units" as defined by the City of San Luis Zoning Ordinance (Density Units are the number of dwellings per net acre, based on dwelling size and number of bedrooms, i.e., studio unit under 600 square feet equals 0.5 Density Units, while a two-bedroom unit equals 1.0 Density Units).

detailed in Section 4.2, *Biological Resources*, native bunchgrass is absent from the project site, so the project would not conflict with policies related to bunchgrass protection or preservation in the AASP. The project would include surface bioswales adjacent to Acacia Creek, which would drain toward an existing retention basin in the southeast corner of the site, consistent with runoff policies in the AASP. The City Zoning Regulations and AASP Program 3.3.1 call for a minimum Acacia Creek setback of 35 feet. Zoning Regulations section 17.70.030 stipulate that an exception to the creek setback requirements may be considered where substantiated evidence is available that a project will result in better implementation of other Zoning Regulations or General Plan policies while allowing reasonable use of the site. As described in Section 4.2, *Biological Resources*, and in the Biological Resources Assessment (Appendix D) the encroachment area would not significantly degrade the riparian corridor. The project proposes an increase in the riparian setback elsewhere along the corridor, with a riparian setback that averages approximately 40 feet. In addition, as detailed in Section 4.11, *Impacts Addressed in the Initial Study*, the project would not obstruct views of hillsides from Tank Farm Road due to the roadway angle near the project site and existing screening vegetation. Therefore, the project would not conflict with AASP policies pertaining to maintaining open space views.

The project includes an AASP amendment to rezone the property from BP-SP to Commercial Services (C-S-SP). The AASP was updated in September 2014 to allow mixed-use projects within the C-S-SP zone, subject to the approval of the Planning Commission. With City approval of the proposed rezone, the proposed mixed-use development would be consistent with allowed uses in the C-S-SP zone. As detailed in Appendix G, the project would be potentially consistent with all applicable AASP policies.

The required off-site transportation improvements, including the roundabout and frontage improvements along Tank Farm Road as well as the future alignment of Santa Fe Road are anticipated in the AASP. Therefore, the proposed transportation improvements are consistent with the AASP.

Municipal Code Consistency

As discussed in Section 4.11, *Impacts Addressed in the Initial Study,* the project would comply with Municipal Code Section 12.08, Stormwater Quality Ordinance, to reduce the discharge of pollutants and protect water quality. Tree removal would be subject to review by the Tree Committee (this advisory body would provide a recommendation to the Planning Commission), and would be required to comply with the City's Tree Ordinance and the Tree Regulations under Chapter 12.24 of the San Luis Obispo Municipal Code, which requires compensatory tree planting for any existing trees removed. In addition, as discussed in Section 4.9, *Noise,* the project would comply with the City's noise standards in Municipal Code Chapter 9.12. The planned roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road would be designed consistent with applicable Municipal Code requirements.

ALUP Consistency

The project site is located within the City's ALUP area, and the project site is located within Airport Safety Zone 6 (the Traffic Pattern Zone) defined in the 2021 ALUP. As discussed in Section 4.6, *Hazards, Hazardous Materials, and Safety*, the project would not conflict with ALUP safety area designations. The project site is also located in the City's Airport Overlay Zone (AOZ) as identified in Section 7 of the LUE, which includes guidance regarding airport safety issues.

The ALUP includes standards for development intensity within each airport safety zone, and identifies potential airport safety hazards using criteria governing allowable types and intensity of future development. The Land Use Element and associated Airport Safety Zones implement the ALUP standards by identifying safety zones that represent distinct progression in the degree of safety risk farther from the runway. The project has been designed to be consistent with the ALUP standards for Airport Safety Zone 6. These Airport Safety Zones are supported by LUE and Circulation Element policies, programs, and development standards consistent with those guidelines. The transportation improvements, including the roundabout and frontage improvements along Tank Farm Road as well as the future alignment of Santa Fe Road, would be designed consistent with applicable ALUP safety requirements.

The ALUC oversees development subject to the ALUP to ensure safety, while the City has ultimate jurisdiction over potential land use decisions and future development. The ALUC will review the project and would be required to make a determination that development facilitated under the proposed AASP Amendment and rezone would be consistent with the ALUP for the project to proceed. Therefore, the project would not conflict with applicable policies or regulations relating to environmental effects in the General Plan, AASP, Municipal Code, or ALUP. Overall, land use impacts related to consistency with land use policies in the city of San Luis Obispo would be less than significant.

Mitigation Measures

This impact would be less than significant; therefore, no mitigation is required.

d. Cumulative Impacts

As discussed in Section 3, *Environmental Setting*, cumulative development includes approximately 4,029 residential units, 605 senior and assisted living facilities, 817 hotel rooms, 1.2 million square feet of commercial/business park development, and 17,703 square feet of a water resource facility throughout the city. A substantial amount of this development is proposed, planned, or underway in the southeastern portion of San Luis Obispo within the San Luis Ranch Specific Plan, Avila Ranch Specific Plan, Margarita Area Specific Plan, AASP, Froom Ranch Specific Plan, and Orcutt Area Specific Plan. A number of projects are located adjacent or near the project site, including a mixed-use residential project at 650 Tank Farm Road, an assisted living facility and retail commercial development at 660 Tank Farm Road, and the Chevron Tank Farm Remediation and Development Project to the west of the project site to develop a business park.

Potential environmental impacts from land use conflicts are addressed on a case-by-case basis as individual projects are reviewed by city decision-makers for consistency with adopted policies. Much of the anticipated cumulative development is the City is planned within adopted specific plan areas and would be required to comply with buildout densities and policies within the respective specific plans. Projects within the ALUP would be subject to review and oversight by the ALUC, which would ensure compliance with the safety measures and standards in the ALUP. In addition, residential projects would be subject to the growth management policy established in Land Use Element Policy 1.11.2. Implementation of the City's General Plan policies and development standards and those in other adopted plans that relate to land use would minimize cumulative land use impacts. Therefore, cumulative land use impacts would be less than significant.

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4.9 Noise

This section discusses the project's potential impacts relating to noise and vibration. It considers both the temporary impacts relating to construction activities and potential long-term impacts associated with project operation. The noise analysis relies partially on data from an Acoustical Analysis prepared for the project by 45dB Acoustics, LLC, in 2021, which is included in full in Appendix H.

4.9.1 Environmental Setting

a. Noise Overview

Sound is a vibratory disturbance created by a moving or vibrating source. Humans and animals detect these vibratory disturbances as sound. Noise is a sound that is loud, unpleasant, unexpected, or undesired. The effects of noise on people include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (Caltrans 2020).

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels to be consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz (Hz) and less sensitive to frequencies around and below 100 Hz (Kinsler et al. 1999). Decibels are measured on a logarithmic scale, which quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as a doubling of traffic volume, increases the noise level by 3 dB; similarly, dividing the energy in half decreases the noise level by 3 dB (Crocker 2007).

Human perception of noise does not directly correlate with sound energy; the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not "sound twice as loud" as one source. It is widely accepted the average healthy ear can barely perceive an increase (or decrease) of up to 3 dBA in noise levels (i.e., twice [or half] the sound energy); a change of 5 dBA is readily perceptible (8 times the sound energy); and a change of 10 dBA sounds twice (or half) as loud (10.5 times the sound energy) (Crocker 2007).

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in sound level as the distance from the source increases. The manner by which noise reduces with distance depends on factors such as the type of noise source (e.g., point or line), the path the sound will travel, site conditions, and obstructions. Noise levels from a point source (e.g., construction, industrial machinery, ventilation units) typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance. Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2020). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this "shielding" depends on the size of the object and the frequencies of the noise levels. Natural terrain features, such as hills and dense woods, and man-made features, such as buildings and walls, can significantly alter noise levels. Generally, any large structure blocking line of sight will provide a minimum 5-dBA reduction in source noise levels at the receiver (FHWA 2011). Structures can substantially reduce occupants' exposure to noise as well. The FHWA's guidelines indicate modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows.

The time of day when noise occurs and the duration of the noise are also important. Most noise lasting for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed. One of the most frequently used noise metrics is the equivalent noise level (L_{eq}), which considers both duration and sound power level. L_{eq} is defined as the single steady A-weighted level equivalent to the same amount of energy contained in the actual fluctuating levels over a period of time (essentially, the average noise level). Typically, L_{eq} is summed over a one-hour period (1H). L_{max} is the highest root mean squared (RMS) sound pressure level within the sampling period, and L_{min} is the lowest RMS sound pressure level within the measuring period (Crocker 2007). Normal conversational levels are in the 60 to 65 dBA L_{eq} range; ambient noise levels greater than 65 dBA L_{eq} can interrupt conversations (Federal Transit Administration [FTA] 2018).

Noise occurring at night tends to be more disturbing than noise occurring during the day. Community noise is usually measured using Day-Night Average Level (L_{dn}), which is the 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime hours (10:00 p.m. to 7:00 a.m.). Community noise can also be measured using Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2020). Noise levels described by L_{dn} and CNEL usually differ by about 1 dBA. Quiet suburban areas typically have CNEL noise levels in the range of 40 to 50 CNEL, while areas near arterial streets are in the 50 to 60+ CNEL range.

b. Vibration Overview

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of Hz. The frequency of a vibrating object describes how rapidly it oscillates. The normal frequency range of most groundborne vibration that can be felt by the human body starts from a low frequency of less than 1 Hz and goes to a high of about 200 Hz (Crocker 2007).

Humans have varying sensitivities to vibrations at different frequencies; in general people are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise is usually only a problem when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hz), or when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (FTA 2018). Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. High-frequency vibrations diminish much more rapidly than low frequencies, so low frequencies tend to dominate the spectrum at large distances from the source. Discontinuities in soil strata can also cause diffractions or channeling effects that affect the propagation of vibration over long distances (Caltrans 2020). When a building is impacted by vibration, a ground-to-foundation coupling loss will usually reduce the overall vibration level.

However, under rare circumstances, the ground-to-foundation coupling can also amplify the vibration level due to structural resonances of the floors and walls.

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or RMS vibration velocity. The PPV and RMS velocity are normally described in inches per second. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Caltrans 2020).

c. Ambient Noise Levels

The primary noise source in the vicinity of the project site is traffic (e.g., automobiles, buses, and trucks) on Tank Farm Road and Broad Street. Motor vehicle noise is characterized by a high number of individual events, which often create sustained noise levels. It is expected that ambient noise levels would be highest during the daytime and rush hour unless congestion slows speeds substantially. The southern edge of the project site is located within the 60 CNEL through 70 CNEL noise contours generated by traffic on Tank Farm Road, as mapped in the San Luis Obispo General Plan's Noise Element for both 1990 conditions and buildout of the General Plan (San Luis Obispo 1996).

Aircraft departing from and arriving at the San Luis Obispo County Regional Airport also contribute to ambient noise on the project site. Runway 11-29 at the airport is located approximately 1,500 feet southwest of the project site. As identified in the San Luis Obispo General Plan Noise Element, the project site is within the 55-61 dBA CNEL range of the airport sound level contours. However, more recent airport sound level contours reported by RS&H, Inc. (2015) in support of the 2021Airport Land Use Plan (ALUP) are approximately 5 dB lower, under a scenario that excludes commercial services by narrow-body passenger aircraft such as Boeing 737s) (RS&H 2015). Under this updated forecast, the southwest corner of the project site would be within the 55 CNEL noise contour and the remainder of the site would be within the 50 CNEL contour. The Acoustical Analysis for the project conducted by 45dB Acoustics in 2021 (Appendix H) identifies this forecast as the best available fit with the noise modeling of the project site.

To quantify existing noise levels on and near the project site, four 24-hour noise measurements were collected from 5 p.m. on September 10 through 5 p.m. on September 11, 2019 (Appendix H). Two measurements were taken on the project site, including one approximately 50 feet north of the centerline of Tank Farm Road and another in the northeastern portion of the site. These measurements are representative of existing on-site ambient noise levels on a typical weekday. Two additional measurements were taken simultaneously in the residential neighborhood approximately 0.75 mile northwest of the project site (Serra Meadows neighborhood), for the purpose of assessing noise levels almost directly under the flight path of aircraft departing to the northwest from the airport. Figure 4.9-1 shows the noise measurement locations.

Table 4.9-1 provides the following noise metrics at all four measurement locations: the range of hourly L_{eq} values over the 24-hour measurement; the CNEL; and the highest 1-second L_{max}, the 1-minute L_{eq}, and hourly L_{eq} during an early morning aircraft overflight. The overflight was identified by using an audio recording from the northern measurement location on the project site, near the airport where background noise from traffic is low (Appendix H).

Figure 4.9-1 Noise Measurement Locations

Imagery provided by Microsoft Bing and its licensors © 2021.

Fig 4.9-1 Noise Measurement Location

Table 4.9-1 Noise Measurement Results

Location	Hourly L_{eq} Range	CNEL	Highest 1-Second L_{max} Due to 6:40 a.m. Aircraft Pass-by	1-minute L_{eq} at 6:40 a.m.	1-hour L_{eq} for 6:00-7:00 a.m.
Project Site					
North end of 600 Tank Farm Rd.	40 to 64	57	62	70	54
South end of 600 Tank Farm Rd.	54 to 75	74	79	55	71
Serra Meadows Neighborhood					
Calle Malva & Lupita	34 to 62	59	70	56	58
Serra Meadows Rd. & Junipero	33 to 61	59	67	55	56

Source: 45dB Acoustics, LLC, 2021

As shown in Table 4.9-1, the southern portion of the project site is exposed to higher ambient noise levels, ranging from 54 to 75 $L_{eq(1hr)}$. This is due to the area's proximity to traffic on Tank Farm Road and to aircraft pass-bys (Appendix H). Daytime noise levels at the northern measurement location on the project site were slightly elevated due to ongoing industrial operations (e.g., backup beeping from forklifts).

d. Sensitive Receptors

Noise-sensitive land uses (or sensitive receptors) generally include single- and multi-family residences, schools, libraries, medical care facilities, retirement/assisted living homes, guest lodging, recreational areas, and places of worship. Such uses can be sensitive to increases in both short-term and long-term noise due to a range of issues, such as sleep disturbance and disruption of conversations, lectures or sermons, or decreased attractiveness of exterior use areas, such as patios, backyards, outdoor pool decks, or parks. Of particular concern is exposure of sensitive receptors to long-term elevated interior noise levels and sleep disturbance, which can be associated with health concerns.

The project site is currently used for vehicle parking and construction material storage and has no existing noise-sensitive receptors. The nearest noise-sensitive receptors to the project site are residences at a mobile home park (the Hidden Hills Mobilodge at 650 Tank Farm Road) located approximately 100 feet to 350 feet from the eastern boundary of the project site. This land use is opposite Acacia Creek from the southern and central portions of the project site. At present, the mobile home park is either progressing toward vacancy in preparation for an approved mixed-use development at 650 Tank Farm Road. After construction of the approved development, the locations of future residential receptors would be broadly similar to the locations of existing mobile home units. Another property further east of the project site at 660 Tank Farm Road has an approved entitlement to develop an assisted-living facility, which would allow for the future construction of noise-sensitive residences. The approved projects at 650 and 660 Tank Farm Road

could be operational before construction of the proposed project concludes, which is projected to be in 2025.

No other noise-sensitive receptors are in the immediate vicinity of the project site. The next closest sensitive receptors are residences located approximately 2,000 feet (0.4 mile) from the site to the northwest and to the east, and the Mercy Church which is located approximately 2,000 feet (0.4 mile) to the southeast.

A recreational land use, the Damon-Garcia Sports Fields, is also located adjacent to and north of the project site. This is a 16-acre facility with four soccer fields, where users participate in athletic events (San Luis Obispo 2021a). Despite the recreational nature of the sports fields, athletic participants are generally not sensitive to background ambient noise levels because they are actively engaged in competition. The City's General Plan Noise Element identifies some recreational land uses – neighborhood parks and playgrounds – as noise-sensitive receptors but does not identify athletic fields as noise-sensitive receptors. Therefore, this analysis does not treat the Damon-Garcia Sports Fields as a noise-sensitive receptor.

4.9.2 Regulatory Setting

a. Federal Regulations

Federal Transit Administration Groundborne Vibration Guidelines

Sections 5 and 6 of the Transit Noise and Vibration Impact Assessment Manual, adopted by the FTA in September 2018, provide federal guidelines used to evaluate a project for potential vibration impacts. The federal vibration impact analysis is a multi-step process used for determining vibration analysis level, determining vibration impact criteria, and evaluating vibration impact. FTA guidelines state that the threshold of perception for humans is approximately 65 vibration decibels (VdB). A vibration level of 85 VdB can result in strong annoyance, and a vibration level of 100 VdB is the threshold of potential damage (FTA 2018). Construction activity can result in varying degrees of ground vibration depending on the equipment and methods employed, and older and more fragile buildings must receive special consideration. These guidelines are advisory and should be used to assess the impacts of ground borne vibrations created from transit and construction sources.

b. State Regulations

California Building Code

California Code of Regulations (CCR) Title 24, Building Standards Administrative Code, Part 2, and the California Building Code codify the state noise insulation standards. These noise standards apply to new construction in California to control interior noise levels as they are affected by exterior noise sources. The regulations specify that interior noise levels for residential and school land uses should not exceed 45 CNEL. As discussed in Section 4.9.1(a), Noise Overview, modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows.

California General Plan Guidelines

The California General Plan Guidelines, published by the Governor's Office of Planning and Research, indicate acceptable, specific land use types in areas with specific noise exposure. The guidelines also offer adjustment factors that may be used to arrive at noise acceptability standards

that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution. These guidelines are advisory, and local jurisdictions, including the City of San Luis Obispo, have the responsibility to set specific noise standards based on local conditions.

c. Local Regulations

City of San Luis Obispo General Plan, Noise Element and Noise Guidebook

The City's Noise Element, adopted in 1996, provides policies to protect noise-sensitive land uses from exposure to ambient noise. The following policies in the Noise Element are relevant to the project:

- **Policy 1.3. New Development Design and Transportation Noise Sources**. New noise-sensitive development shall be located and designed to meet the maximum outdoor and indoor noise exposure levels of Table 1 [included as Table 4.9-2 of this EIR].

Table 4.9-2 Maximum Noise Exposure for Noise-Sensitive Uses Due to Transportation Noise Sources

	Outdoor Activity Areas[1]		Indoor Spaces	
Land Use	**L_{dn} or CNEL, in dB**	**L_{dn} or CNEL, in dB**	**L_{eq} in dB[2]**	**L_{max} in dB[3]**
Residences, hotels, motels, hospitals, nursing homes	60	45	-	60
Theaters, auditoriums, music halls	-	-	35	60
Churches, meeting halls, office building, mortuaries	60	-	45	-
Schools, libraries, museums	-	-	45	60
Neighborhood Parks	65	-	45	-
Playgrounds	70	-	-	-

1. If the location of outdoor activity areas is not shown, the outdoor noise standard shall apply at the property line of the receiving land use.

2. As determined for a typical worst-case hour during periods of use.

3. L_{max} indoor standard applies only to railroad noise at locations south of Orcutt Road.

Source: City of San Luis Obispo General Plan, Noise Element 1996

- **Policy 1.4. New Transportation Noise Sources**. Noise created by new transportation noise sources, including road, railroad, and airport expansion projects, shall be mitigated to not exceed the levels specified in Table 1 [Table 1 of the General Plan Noise Element]for outdoor activity areas and indoor spaces of noise-sensitive land uses which were established before the new transportation noise source.
- **Policy 1.6. New Development and Stationary Noise Sources**. New development of noise-sensitive land uses may be permitted only where location or design allow the development to meet the standards shown in Table 2 [included as Table 4.9-3 of this EIR], for existing stationary noise sources.

- **Policy 1.7. New or Modified Stationary Noise Sources**. Noise created by new stationary noise sources, or by existing stationary noise sources which undergo modifications that may increase noise levels, shall be mitigated to not exceed the noise level standards shown in Table 2 [Table 2 of the General Plan Noise Element; included as Table 4.9-3 of this EIR], for lands designated for noise-sensitive uses. This policy does not apply to noise levels associated with agricultural operations.

Table 4.9-3 Maximum Noise Exposure for Noise-Sensitive Uses Due to Stationary Noise Sources

Duration	Day (7 a.m. to 10 p.m.)	Night (10 p.m. to 7 a.m.)
Hourly L_{eq} in dB[1,2]	50	45
Maximum level in dB[1,2]	70	65
Maximum impulsive noise in dB[1,3]	65	60

[1.] As determined at the property line of the receiver. When determining effectiveness of noise mitigation measures, the standard may be applied on the receptor side of noise barriers or other property-line noise mitigation measures.

[2.] Sound level measurements shall be made with slow meter response.

[3.] Sound level measurements shall be made with fast meter response.

Source: City of San Luis Obispo General Plan, Noise Element 1996

- **Policy 1.10. Existing and Cumulative Impacts**. The City would consider the following mitigation measures appropriate where existing noise levels significantly impact noise-sensitive land uses, or where cumulative increases in noise levels resulting from new development significantly impact existing noise-sensitive land uses:
  a. Rerouting traffic onto streets that can maintain desired levels of service, consistent with the Circulation Element, and which do not adjoin noise-sensitive land uses.
  b. Rerouting trucks onto streets that do not adjoin noise-sensitive land uses.
  c. Constructing noise barriers.
  d. Reducing traffic speeds through street or intersection design methods.
  e. Retrofitting buildings with noise-reducing features.
  f. Establishing financial programs, such as low-cost loans to owners of a noise-impacted property, or developer fees to fund noise-mitigation or trip-reduction programs.

San Luis Obispo Municipal Code

Section 9.12.060 of the City's Municipal Code specifies noise standards for various categories of land use (San Luis Obispo 2020). These limits, shown in Table 4.9-4, would apply to long-term operation of the project site, and are not applicable during construction. As shown in Table 4.9-5, these noise level standards are not to be exceeded more than 30 minutes in any one hour and noise levels are prohibited from exceeding the noise level standard plus 20 dBA for any period of time.

Table 4.9-4 Exterior Noise Limits (Levels Not to Be Exceeded More Than Thirty Minutes in Any Hour)

Zoning Category	Time Period	Noise Level (dBA)
Low Density Residential (R-1 and R-2); Conservation/Open Space (C/OS)	10:00 p.m. – 7:00 a.m.	50
	7:00 a.m. – 10:00 p.m.	55
High Density Residential (R-3 and R-4)	10:00 p.m. – 7:00 a.m.	50
	7:00 a.m. – 10:00 p.m.	55
Ltd. Commercial (O and PF)	10:00 p.m. – 7:00 a.m.	55
	7:00 a.m. – 10:00 p.m.	60
Commercial (C-N, C-R, C-C, C T)	10:00 p.m. – 7:00 a.m.	60
	7:00 a.m. – 10:00 p.m.	65
Light Industrial (C-S)	Any time	70
Heavy Industrial (M)	Any time	75

Source: City of San Luis Obispo Municipal Code Section 9.12.060

Table 4.9-5 Maximum Time Periods for Increased Noise Levels

Noise Standard for Existing Land Use	Maximum Time Period Allowed
+0 dBA	30 minutes/hour
+5 dBA	15 minutes/hour
+10 dBA	5 minutes/hour
+15 dBA	1 minute/hour
+20 dBA	Any time

Source: City of San Luis Obispo Municipal Code Section 9.12.060

Table 4.9-6 and Table 4.9-7 show the City's maximum allowable noise levels for short-term operation of mobile equipment and long-term operation of stationary equipment at residential properties. Where technically and economically feasible, the City requires that construction activities that use mobile or stationary equipment which may result in noise at residential properties be conducted so that maximum sound levels from mobile equipment at affected properties would not exceed 75 dBA for single-family residential, 80 dBA for multi-family residential, and 85 dBA for mixed residential/commercial land uses (Municipal Code 9.12.050). Except for emergency repair of public service utilities, or where an exception is issued by the City Community Development Department, the City prohibits operation of tools or equipment used in construction, drilling, repair, alteration, or demolition work daily between the hours of 7:00 p.m. and 7:00 a.m., or any time on Sundays or holidays, such that the sound creates a noise disturbance across a residential or commercial property line.

Table 4.9-6 Maximum Noise Levels for Nonscheduled, Intermittent, Short-Term Operation (Less than 10 Days) of Mobile Equipment at Residential Properties

Zoning Category	Time Period	Noise Level (dBA)
Single-Family Residential	Daily 7:00 a.m. to 7:00 p.m., except Sundays and legal holidays	75
Multi-Family Residential		80
Mixed Residential/Commercial		85
Single-Family Residential	7:00 p.m. to 7:00 a.m., all day Sunday and legal holidays	50
Multi-Family Residential		55
Mixed Residential/Commercial		60

Source: City of San Luis Obispo Municipal Code Section 9.12.050

Table 4.9-7 Maximum Noise Levels for Repetitively Scheduled, Relatively Long-Term Operation (10 Days or More) of Stationary Equipment at Residential Properties

Zoning Category	Time Period	Noise Level (dBA)
Single-Family Residential	Daily 7:00 a.m. to 7:00 p.m., except Sundays and legal holidays	60
Multi-Family Residential		65
Mixed Residential/Commercial		70
Single-Family Residential	7:00 p.m. to 7:00 a.m., all day Sunday and legal holidays	50
Multi-Family Residential		55
Mixed Residential/Commercial		60

Source: City of San Luis Obispo Municipal Code Section 9.12.050

4.9.3 Impact Analysis

a. Methodology

Temporary Increase in Ambient Noise

The exposure of noise-sensitive receptors to construction noise was estimated using the FHWA's Roadway Construction Noise Model (RCNM) (FHWA 2008). RCNM predicts construction noise levels for a variety of construction operations based on empirical data and the application of acoustical propagation formulas. RCNM provides reference noise levels for standard construction equipment, with an attenuation of 6 dBA per doubling of distance for stationary equipment.

Variation in power imposes additional complexity in characterizing the noise source level from construction equipment. Power variation is accounted for by describing the noise at a reference distance from the equipment operating at full power and adjusting it based on the duty cycle of the activity to determine the L_{eq} of the operation (FHWA 2006). Each phase of construction has a specific equipment mix, depending on the work to be accomplished during that phase. Each phase also has its own noise characteristics; some will have higher continuous noise levels than others, and some have high-impact noise levels.

Consistent with the air quality modeling discussed in Section 4.1, *Air Quality*, this analysis assumes a standard list of construction equipment based on surveys of construction projects in California conducted by members of California Air Pollution Control Officers Association (CAPCOA).

Construction would require heavy equipment during site preparation, grading, building construction, and paving. Construction noise would typically be higher during the heavier periods of initial construction (i.e., site preparation and grading work) and would be lower during the later construction phases (i.e., interior building construction). Typical heavy construction equipment during grading and site preparation for the project would include dozers and backhoes. It is assumed that diesel engines would power all construction equipment. Construction equipment would not all operate at the same time or location. In addition, construction equipment would not be in constant use during the 8-hour operating day.

The RCNM analysis assumes a conservative average distance of 150 feet between Phase 2 construction activity and Phase 1 residences on the project site, and a conservative average distance of 250 feet between Phase 1 construction activity and planned residences at 650 Tank Farm Road to the east of Acacia Creek. This distance was approximated by overlaying the proposed conceptual phasing plan shown in Figure 2-6 in Section 2, *Project Description*, with the project site boundary. Most construction activity would occur in the body of the project site, at a greater distance from noise-sensitive receptors. Therefore, this analysis is conservative with regard to the proximity of noise-sensitive receptors to typical construction activity.

Permanent Increase in Ambient Noise

ON-SITE OPERATIONAL NOISE

The primary on-site operational noise source from the project would be heating, ventilation, and air conditioning (HVAC) units. Specific planning data for the future HVAC systems are not available at this stage of project design; however, this analysis assumes the use of a typical HVAC system for commercial or multi-family residential sites, which has a sound power level of 85 dBA Based on the size of the project in comparison to other multi-family residential developments, this analysis assumes approximately 27 rooftop-mounted HVAC units distributed across the project site would be needed, producing a combined noise level at off-site receptors that is equivalent to all units being located at the center of the project site (refer to Appendix H for a complete list of assumptions, applicable HVAC manufacturer's noise data, and operational noise calculations)

Other noise sources associated with operation of the project would consist of low speed vehicular noise on internal roadways and parking lots, landscaping maintenance, general conversations, and trash hauling activity. As shown in Figure 2-3 in Section 2, *Project Description*, new parking spaces would be distributed through the project site next to internal roadways. Parking lot activities can generate instantaneous or short-term noise from car doors slamming, beeps, alarms, tire movements, engines, radios, and infrequent use of sweepers. However, parking lot noise would be consistent with other land uses in the vicinity of the project site. The approved neighboring mixed-use developments at 650 and 660 Tank Farm Road, when operational, would generate similar parking lot activity. Parking lot noise also would not typically have a substantial contribution to hourly equivalent noise levels from transportation sources near the project site, relative to measured noise levels reaching 68 dBA L_{eq} along Tank Farm Road. Additional on-site noise sources such as landscape maintenance, low-speed traffic on internal roadways, conversations, and trash hauling also would be typical of noise generated by neighboring land uses and would not substantially contribute to overall ambient noise levels. Therefore, these sources are not considered substantial contributors to the local noise environment and are not analyzed further.

OFF-SITE TRAFFIC NOISE

The project's effect on existing ambient traffic noise was modeled using the U.S. Department of Housing and Urban Development's (HUD) Day/Night Noise Level (DNL) Calculator (HUD 2021). This tool estimates noise levels at receptors from transportation-related sources, including roadway traffic, trains, and aircraft. Three roadway segments were modeled: Tank Farm Road from the project entrance to Broad Street, Tank Farm Road from Broad Street to Poinsettia Street, and Broad Street south of Tank Farm Road. These segments were modeled because of the proximity of existing noise-sensitive residences, which are approximately 350 feet from the centerline of Tank Farm Road west of Broad Street (the Hidden Hills Mobilodge), 70 feet from the centerline of Tank Farm Road east of Broad Street (residences on Azalea Court), and 150 feet from the centerline of Broad Street (residences on Calle del Caminos). Other roadway segments in the vicinity of the project site, such as Broad Street north of Tank Farm Road, and Santa Fe Road south of Tank Farm Road, were not modeled because of the lack of noise-sensitive receptors in proximity to these segments.

Key factors in the HUD DNL Calculator are the distance between noise-sensitive receptors and traffic, average daily roadway volumes, the modal distribution of traffic (i.e., cars, medium tracks, and heavy trucks), average speeds, the nighttime proportion of vehicle trips, and roadway grades. Table 4.9-8 shows the traffic volumes used in the HUD DNL Calculator for existing and with-project conditions. Existing average daily traffic (ADT) was derived from the City's most current traffic counts for segments of Tank Farm Road and Caltrans' traffic counts for Broad Street (State Route 227). Based on the Multimodal Transportation Impact Study (TIS) prepared for the project, this analysis estimates that the project would generate a net increase of 990 ADT (Central Coast Transportation Consulting 2021). Trip distribution projections in the TIS were used to estimate the share of daily project-generated trips on each studied roadway segment: 73 percent of new daily trips would occur on the segment of Tank Farm Road between the project entrance and Broad Street (east of the site), 8 percent would use the segment of Tank Farm Road east of Broad Street, and 11 percent would travel on the segment of Broad Street south of Tank Farm Road.

Table 4.9-8 Traffic Volumes Used in HUD DNL Calculator

Roadway Segment	Existing Traffic Volume (ADT)	With Project Traffic Volume (ADT)
Tank Farm Road from project entrance to Broad Street	16,774[1]	17,497[3]
Tank Farm Road east of Broad Street	11,654[1]	11,733[3]
Broad Street south of Tank Farm Road	12,900[2]	13,009[3]

[1] Source: San Luis Obispo 2021b

[2] Source: Caltrans 2017

[3] Source: Central Coast Transportation Consulting 2021; project-added trips at individual roadway segments were estimated based on TIS Figure 4, Existing/Near-Term Project Trip Distribution and Assignment, and added to Existing Traffic Volumes.

A default modal distribution of 95 percent cars, 3 percent medium trucks (with 2 axles), and 2 percent heavy trucks (with 3 or more axles) was assumed for Tank Farm Road. Based on traffic counts observed by Caltrans, a modal split of 92 percent cars, 4 percent medium trucks, and 4 percent heavy trucks was assumed for Broad Street (Caltrans 2017). Roadway grades were estimated to be flat, except for a 2-percent grade on Tank Farm Road between Broad Street and Poinsettia Street.

This analysis evaluates the project's effect on traffic noise based on the FTA's recommended standards. The FTA recommendations, listed in Table 4.9-9, are based on the idea that the allowable increase in exposure to traffic noise depends on existing noise levels; as the existing noise level rises, the allowable increase in noise exposure decreases.

Table 4.9-9 Significance of Changes in Operational Roadway Noise Exposure

Existing Noise Exposure (dBA L_{dn} or L_{eq})	Criteria for Significant Noise Exposure Increase (dBA L_{dn} or L_{eq})
45-50	7
50-55	5
55-60	3
60-65	2
65-74	1
75+	0

Source: FTA 2018

Groundborne Vibration

While operation of the project would not include any substantial vibration sources, construction activities could generate groundborne vibration affecting nearby receivers. The greatest vibratory sources during construction would vibratory rollers for paving and dozers for earthmoving. Neither blasting nor pile driving would be required for construction of the project. Construction vibration estimates are based on vibration levels reported by Caltrans and the FTA. Table 4.9-10 shows typical vibration levels for various pieces of construction equipment used in the assessment of construction vibration, at a reference distance of 25 feet from the source (FTA 2018).

Table 4.9-10 Vibration Levels Measured during Construction Activities

Equipment	PPV at 25 ft. (in./sec.)
Vibratory Roller	0.210
Large Bulldozer	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozer	0.003

Source: FTA 2018

Vibration limits used in this analysis to determine potential damage to local land uses from construction activities, such as blasting, vibratory compaction, drilling, or excavation, are based on information contained in the FTA's *Transit Noise and Vibration Impact Assessment Manual* (FTA 2018), as identified in Table 4.9-11.

Table 4.9-11 FTA Construction Vibration Damage Criteria

Building/Structural Category	Limiting Velocity (PPV in/sec)
I. Reinforced concrete, steel, or timber (no plaster)	0.5
II. Engineered concrete and masonry (no plaster)	0.3
III. Non-engineered timber and masonry buildings	0.2
IV. Building extremely susceptible to vibration damage.	0.12

Source: FTA 2018

Caltrans has also published applicable guidelines for vibration annoyance caused by transient and intermittent sources, as shown in Table 4.9-12.

Table 4.9-12 Caltrans Criteria for Vibration Annoyance

	Maximum PPV (in./sec.)	
Human Response	Transient Sources[1]	Continuous/Frequent Intermittent Sources[1]
Barely perceptible	0.04	0.01
Distinctly perceptible	0.25	0.04
Strongly perceptible	0.9	0.10
Severe	2.0	0.4

[1] Caltrans defines transient sources as those that create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources can include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

Source: Caltrans 2020

b. Thresholds of Significance

The following thresholds are based on Appendix G of the *State CEQA Guidelines*. Impacts would be significant if the project would:

a. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
b. Result in generation of excessive groundborne vibration or groundborne noise levels;
c. Be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

Potential impacts related to the project's location within an airport land use plan are discussed in Section 4.11, *Impacts Address in the Initial Study*. As discussed in that section, the proposed noise-sensitive residential uses would be exposed to acceptable noise levels from aircraft, so the impact related to aircraft noise would be less than significant.

This analysis does not address the exposure of new residents on the project site to ambient noise because it would be an impact of the existing environment on the project. Pursuant to a December 2015 opinion by the California Supreme Court (*BIA v. BAAQMD*), CEQA is concerned with the

impacts of a project on the environment, not the effects that the existing environment may have on a project.

Temporary Increase in Ambient Noise

The project would have a potentially significant impact if construction noise would exceed the City's standards for short-term and relatively long-term construction noise, as shown in Table 4.9-6 and Table 4.9-7, or if it would substantially increase the exposure of sensitive receptors to ambient noise.

Permanent Increase in Ambient Noise

The project would have a potentially significant impact if on-site operational noise would exceed the standards in the City's Noise Element as shown in Table 4.9-3 or the Municipal Code standards shown in Table 4.9-4 and Table 4.9-5. It would also have a potentially significant impact if the project would cause an increase in traffic noise exceeding the FTA's criteria shown in Table 4.9-9. These criteria are applied because the City does not set its own thresholds for the increase in traffic noise due to projects.

Groundborne Vibration

The project would have a potentially significant impact if construction activity would generate vibration levels exceeding the FTA's criteria for structural damage (see Table 4.9-11) or Caltrans criteria for vibration annoyance (see Table 4.9-12).

c. Impact Analysis

Threshold a:	Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact N-1 CONSTRUCTION OF THE PROJECT WOULD GENERATE TEMPORARY INCREASES IN AMBIENT NOISE THAT EXCEED THE CITY'S STANDARDS AT NEIGHBORING NOISE-SENSITIVE RECEPTORS. THE IMPACT FROM INCREASED AMBIENT NOISE WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED FOR CONSTRUCTION NOISE.

The project is planned to be constructed in two phases between approximately 2022 and 2025. Phase 1, planned to begin in mid-2022 and end in mid-2024, would include 124 multifamily residential units on the central portion of the project site, the completion of Santa Fe Road along the project frontage, completion of the shared-use bicycle/pedestrian path along Acacia Creek connecting bicycles and pedestrians from Tank Farm Road to Damon-Garcia Sports Fields, construction of the Tank Farm Road/Santa Fe Road (west) roundabout (north, west and east legs with two westbound lanes and one eastbound lane), and the completion of the frontage improvements along Tank Farm Road. Phase 2, planned to begin at the start of 2024 and conclude at the end of 2025, would include 116 multifamily residential units, 40 mixed-use units and 12,500 square feet of commercial-service/office space, and remaining project improvements. Phase 1 residences would be constructed by early 2024 and could be inhabited while construction of Phase 2 is ongoing in 2024 and 2025.

Construction activity on the project site and off-site roadway modifications would temporarily increase ambient noise levels at noise-sensitive receptors in the vicinity. Exposure to construction noise would depend on the type of construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the construction activities. Construction would involve the use of both mobile equipment (e.g., dozers and pavers) and stationary equipment (e.g., generators and air compressors). As discussed in Section 4.9.3(a), Methodology, this analysis makes a conservative assumption that construction activity would occur as close as 150 feet from future multi-family residences built during Phase 1, and as close as 250 feet from future multi-family residences at 650 Tank Farm Road to the east of Acacia Creek. Grading and rolling equipment would be used more extensively for the planned roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road; however, existing noise-sensitive receptors are located further from these project components than from the planned future building locations on the project site. The effects on the noise environment from construction of these transportation infrastructure improvements would be generally similar to the effects of preparing the project site and constructing the proposed structures and are evaluated similarly herein.

Table 4.9-13 estimates ambient noise levels at the nearest residential receptors from site preparation, grading, building construction, paving, and architectural coating activities during construction.

Table 4.9-13 Estimated Construction Noise

Construction Phase	Equipment	Noise Level at 150 Feet (dBA L_{eq})	Noise Level at 250 Feet (dBA L_{eq})	Noise Level at 500 Feet (dBA L_{eq})
Site preparation	Dozers (3), tractors/backhoes/loaders (4)	77	72	66
Grading	Excavators (2), grader, dozer, scrapers (2), tractors/backhoes/loaders (2)	78	74	68
Building construction	Crane, forklifts (3), generator, tractors/backhoes/loaders (3), welder	79	75	69
Paving	Pavers (2), paving equipment (2), rollers (2)	77	72	66
Architectural coating	Air compressors (2)	67	63	57

Source: see Appendix H for RCNM modeling results

As shown in Table 4.9-13, the loudest phases of construction would be grading and building construction. At Phase 1 residences located approximately 150 feet from Phase 2 construction activity, construction noise would reach an estimated 79 dBA L_{eq} during the building construction phase, and 78 dBA L_{eq} during the grading phase. Based on the ambient noise measurements listed in Table 4.9-1, the Phase 1 residences in the northern portion of the project site would be exposed to daytime ambient noise levels of at least 55 dBA L_{eq} without construction. Construction noise reaching 79 dBA L_{eq} in this area would increase ambient noise levels by up to an estimated 24 dBA L_{eq}.

Construction noise at future multi-family residences at 650 Tank Farm Road would reach an estimated 75 dBA L_{eq} at a distance of 250 feet during the building construction phase, and 74 dBA L_{eq} during the grading phase. Based on the ambient noise measurements listed in Table 4.9-1, multi-family residences at the northern side of 650 Tank Farm Road would be exposed to daytime

ambient noise levels of at least 55 dBA L_{eq} without construction. Construction noise reaching 75 dBA L_{eq} in this area would increase ambient noise levels by up to an estimated 20 dBA L_{eq}.

Elevated noise levels associated with construction of the project would occur during allowable daytime hours of construction activity. With limited exceptions, the City prohibits operation of tools or equipment used in construction, drilling, repair, alteration, or demolition work daily between the hours of 7:00 p.m. and 7:00 a.m., or any time on Sundays or holidays. With approval of the proposed project, both the project site and the property at 650 Tank Farm Road would be zoned Service Commercial and subject to the City's construction noise standards for mixed commercial/residential zones. For these zones the City sets maximum daytime noise levels of 85 dBA for short-term construction activity (less than 10 days) and 70 dBA for relatively long-term construction activity (10 days or more). The exposure of Phase 1 residences to estimated noise levels of up to 79 dBA L_{eq} from construction near the eastern boundary of the project site would result in a 9-dBA exceedance of the long-term standard of 70 dBA. In addition, noise levels reaching 75 dBA L_{eq} at future multi-family residences at 650 Tank Farm Road would exceed the long-term standard of 70 dBA by 5 dBA. Project construction activities would be required to adhere to the City's allowed hours of construction, which would protect residents from nighttime noise that could disturb people during normal sleeping hours. However, construction activity during daytime hours would still result in a potentially significant impact from temporary increases in ambient noise.

Mitigation Measures

N-1(a) Construction-Related Noise Reduction Measures

The applicant shall apply the following measures during construction of the project site:

- *Electrical Power.* Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power temporary structures, such as construction trailers or caretaker facilities.
- *Equipment Staging.* All stationary equipment (e.g., air compressors, portable generators) shall be staged as far away from sensitive receptors as feasible.
- *Equipment Idling.* Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.
- *Workers' Radios.* All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity.
- *Smart Back-up Alarms.* Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.
- *Sound Barrier.* During the site preparation, grading, building, and paving phases of construction, temporary sound barriers shall be installed and maintained facing noise-sensitive receptors (i.e., residences at the neighboring mobile home park). Temporary sound barriers shall, at a minimum, block the line of sight between noise-generating construction equipment and adjacent windows at sensitive receptors and shall be placed as close to the source equipment as feasible. Such barriers shall be field tested to reduce noise by at least 10 dBA at sensitive receptors. A sound barrier can achieve a 5 dBA noise level reduction when it is tall enough to break the line-of-sight from the source equipment to the sensitive receptor, and it can achieve an approximate 1 dBA additional noise level reduction for each 2 feet of height after it breaks

the line of sight (FHWA 2011). Mobile sound barriers may be used as appropriate to attenuate construction noise near the source equipment.

- *Disturbance Coordinator*. The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

N-1(b) Neighboring Property Owner Notification and Construction Noise Complaints

The contractor shall inform residents and business operators at properties within 300 feet of the project site of proposed construction timelines and noise complaint procedures to minimize potential annoyance related to construction noise. Proof of mailing the notices shall be provided to the Community Development Department before the City issues a zoning clearance. Signs shall be in place before beginning of and throughout grading and construction activities. Noise-related complaints shall be directed to the City's Community Development Department.

Plan Requirements and Timing. Construction plans shall note construction hours, truck routes, and required noise reduction measures, and shall be submitted to the City for approval prior to grading and building permit issuance for each project phase. Noise reduction measures shall be identified and described for submittal to the City for review and approval prior to building or grading permit issuance. They shall be adhered to for the duration of the project. The applicant shall provide and post signs stating these restrictions at construction site entries. Signs shall be posted prior to commencement of construction and maintained throughout construction. Schedule and neighboring property owner notification mailing list shall be submitted 10 days prior to initiation of any earth movement. The Community Development Department shall confirm that construction noise reduction measures are incorporated in plans prior to approval of grading/building permit issuance. All construction workers shall be briefed at a pre-construction meeting on construction hour limitations and how, why, and where measures are to be implemented. A workday schedule will be adhered to for the duration of construction for all phases.

Monitoring. City staff shall ensure compliance throughout all construction phases. Building inspectors and permit compliance staff shall periodically inspect the site for compliance with activity schedules and respond to complaints.

Significance After Mitigation

The above analysis estimates that construction activity during allowed hours would generate ambient noise up to 79 dBA L_{eq} at the nearest sensitive receptors before mitigation, which would exceed the applicable standard of 70 dBA for relatively long-term construction activity by 9 dBA. The use of temporary sound barriers according to the specifications in Mitigation Measure N-1(a) would reduce construction noise levels by approximately 10 dBA L_{eq}. Accounting for this noise reduction, construction noise at the nearest sensitive receptors would not exceed 70 dBA L_{eq}, which is the applicable City standards for construction noise. Mitigation also would minimize the increase in ambient noise levels relative to existing daytime ambient noise. Mitigation Measure N-1(b) would allow affected receptors to report potential exceedances, providing contractors with the opportunity to implement additional specific noise reduction measures on an as-needed basis

during construction. Therefore, with mitigation incorporated, the project would have a less than significant impact from the generation of a substantial temporary or permanent increase in ambient noise levels.

Threshold a:	Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact N-2 OPERATION OF THE PROJECT WOULD NOT GENERATE PERMANENT INCREASES IN NOISE THAT EXCEED CITY STANDARDS. THE IMPACT FROM INCREASED AMBIENT NOISE WOULD BE LESS THAN SIGNIFICANT.

On-Site Operations

Rooftop-mounted HVAC equipment on new buildings on the project site would generate ambient noise. As discussed in Section 4.9.3(a), Methodology, this analysis assumes the project would require approximately 27 HVAC units. The combined operation of 27 HVAC units would generate an estimated noise level of 43 dBA L_{eq} at the nearest off-site sensitive receptors at 650 Tank Farm Road (refer to Appendix H for assumptions, manufacturer's noise data, and operational noise calculations). This estimate accounts for mechanical screening of exterior equipment as required by Section 17.76.100.B of the City's Municipal Code (San Luis Obispo 2020), which would block line-of-sight to noise-sensitive receptors, reducing noise exposure by a minimum of 5 dBA. This estimate also accounts for a further reduction of 5 dBA by rooflines that would typically block line-of-sight of the rooftop-mounted equipment.

As shown in Table 4.9-3, the City's maximum allowable noise exposure due to stationary sources is 50 dBA L_{eq} during daytime hours and 45 dBA L_{eq} at night, as determined at the property line of the receiver. Estimated HVAC noise at the property line would not exceed either these standards or the Municipal Code standards shown in Table 4.9-4 and Table 4.9-5. Therefore, on-site operations would have a less than significant impact on noise-sensitive receptors.

Off-site Traffic

The project would allow for implementation of up to 280 residential units and 12,500 square feet of commercial space on the project site, which would generate an estimated net increase of 990 ADT on local roadways (refer to Section 4.11, *Impacts Address in the Initial Study*, and the TIS prepared for the project by Central Coast Transportation Consulting in February 2021, which is included in Appendix B of this EIR). Infrastructural improvements on Tank Farm Road on Santa Fe Road would allow for increased traffic volumes in the future, which would increase roadway noise. However, improvements to these facilities would not increase vehicle traffic in a manner that would result in a direct increase in traffic noise. The potential for these improvements to induce travel demand is discussed in Section 4.11, *Impacts Addressed in the Initial Study*. As discussed in that section, the planned improvements would not substantially increase vehicles miles traveled (VMT) based on the City's VMT thresholds and Office of Planning and Research guidance. As discussed in Section 4.9.1(a), Noise Overview, a doubling of traffic volume is required to cause a perceptible (3dB) increase in traffic noise. Therefore, the planned roadway improvements on Tank Farm Road and Santa Fe Road would not induce in an increase in vehicle travel that would result in a significant traffic noise increase.

New vehicle trips would increase the exposure of nearby noise-sensitive receptors to combined ambient transportation noise from traffic and aircraft. Table 4.9-14 shows estimated transportation-related noise levels from the HUD DNL Calculator on affected roadway segments, under existing and with-project conditions. The results indicate that new vehicle trips would not increase ambient transportation-related noise by 1 dBA or more. Therefore, the project would not result in an exceedance of the FTA's criteria for significant increases in traffic noise. The project would result in a less than significant impact related to off-site traffic noise.

Table 4.9-14 Estimated Change in Ambient Transportation-Related Noise Levels

Roadway Segment	Existing Ambient Noise (dBA L_{dn})	With Project Ambient Noise (dBA L_{dn})	Change in Noise Level (dBA L_{dn})
Tank Farm Road west of Broad Street	59	59	0
Tank Farm Road east of Broad Street	68	68	0
Broad Street south of Tank Farm Road	65	65	0

Source: HUD 2021

Notes: Ambient noise levels were rounded to the nearest decimal

Mitigation Measures

No mitigation is required because this impact would be less than significant.

Threshold b: Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Impact N-3 CONSTRUCTION OF THE PROJECT WOULD NOT GENERATE EXCESSIVE GROUNDBORNE VIBRATION OR NOISE. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

Construction activities known to generate excessive groundborne vibration, such as pile driving, would not be conducted by the project. The greatest anticipated source of vibration during general project construction activities would be from vibratory rollers, which may be used within approximately 200 feet of the nearest off-site structures (mobile homes to the east of Acacia Creek) when accounting for setbacks. Grading and rolling equipment would be used more extensively for the required roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road; however, existing noise- and vibration-sensitive receptors are located further from these project components than from the planned future building locations on the project site.

A roller would create approximately 0.210 in./sec. PPV at a distance of 25 feet (Caltrans 2020). This would equal a vibration level of 0.021 in./sec. PPV at a distance of 200 feet.[1] This vibration level is lower than the strictest FTA construction vibration damage criterion of 0.12 in./sec. PPV for buildings extremely susceptible to vibration damage. A maximum vibration level of 0.021 in./sec. PPV during the use of rollers also would not exceed 0.25 in./sec. PPV, Caltrans' recommended criterion for distinctly perceptible vibration from transient sources. Therefore, temporary impacts

[1] PPVEquipment = PPVRef $(25/D)^n$ (in./sec.), PPVRef = reference PPV at 25 feet, D = distance, and n = 1.1

associated with rollers (and other potential vibration-generating construction equipment) would be less than significant.

Mitigation Measures

No mitigation is required because this impact would be less than significant.

d. Cumulative Impacts

Construction noise and vibration are localized and rapidly attenuate within an urban environment. The majority of cumulative projects listed in Table 3-1 are not located close enough to the project site such that noise and vibration from construction activities would impact the same sensitive receptors, even if construction were to occur at the same time as the proposed project. Two nearby cumulative projects, approved developments at 650 and 660 Tank Farm Road, could undergo construction at the same time as the proposed project between the years 2022 and 2025. The property at 650 Tank Farm Road is adjacent to the project site, and 660 Tank Farm Road abuts the 650 Tank Farm property to the east. Construction activity on these nearby properties, in combination with the proposed project, could result in an incrementally higher increase in ambient noise levels. For instance, proposed Phase 1 residences on the project site could be exposed to concurrent construction activity associated with Phase 2 of the project as well as construction activity at properties to the east of the project site.

Each cumulative project would be required to attain the City's construction noise standards shown in Table 4.9-6 and Table 4.9-7. In order to attain these standards, both the proposed project and the approved development at 650 Tank Farm Road would be subject to mitigation measures requiring the use of best management practices to reduce construction noise, such as temporary sound barriers (San Luis Obispo 2018). The use of temporary sound barriers that block the line of sight between construction equipment and sensitive receptors would reduce construction noise levels by approximately 10 dBA L_{eq}. The riparian corridor of Acacia Creek also would buffer construction activity on the project site from properties to the east. Potentially concurrent construction activity at 650 and 660 Tank Farm Road would occur no closer than approximately 150 feet from the project site. This distance would reduce the exposure of sensitive receptors to cumulative construction noise. Therefore, the implementation of mitigation measures and the distance between construction sites would minimize the cumulative increase in ambient noise levels. In addition, construction of these individual projects would not generate vibration levels that substantially disturb people or cause structural damage. Therefore, cumulative construction noise and vibration impacts would be less than significant.

On-site operational noise from stationary sources is localized and rapidly attenuates within an urbanized setting due to the effects of intervening structures and topography that block the line of sight and other noise sources closer to receivers that obscure project-related noise. Most cumulative projects are not located close enough to the project site that operational noise would impact the same sensitive receivers. As discussed above, approved developments at 650 and 660 Tank Farm Road are located in proximity to the project site. Like the proposed project, these cumulative projects would introduce mixed-use developments that have similar on-site operational noise sources (e.g., HVAC equipment and outdoor use areas). These noise sources would be typical of multi-family residential and commercial developments, and they would not generate noise levels at sensitive receptors that exceed ambient noise levels from transportation sources. As observed during on-site noise measurements conducted by 45dB Acoustics, traffic noise is the primary noise source in the vicinity of Tank Farm Road, with transportation noise approaching 75 dBA L_{eq} along the

roadway. The analysis in Impact N-2 estimates that new HVAC equipment on the project site would generate a noise level of 43 dBA L_{eq} at the nearest off-site sensitive receptors at 650 Tank Farm Road. It is anticipated that nearby cumulative projects would produce similar noise levels from HVAC equipment at adjacent property lines. In this case, cumulative noise levels from on-site operational equipment would not approach existing ambient noise levels from transportation sources. Therefore, cumulative projects, even those near the project site, would not cause cumulative on-site operational noise impacts.

Cumulative projects, including the proposed project, would generate new vehicle trips that result in a permanent increase in traffic noise. If the collective effect from cumulative projects would exceed the FTA's applicable criteria for increases in traffic noise, then a significant cumulative impact could occur. However, as shown in Table 4.9-14, the project by itself would not cause a detectable change in existing traffic noise levels on road segments with nearby sensitive receptors. Similarly, the cumulative project at 650 Tank Farm Road would not increase traffic volumes on nearby roadway segments by more than 4.6 percent, which would have a negligible effect on traffic noise (San Luis Obispo 2018). A barely perceptible increase in ambient noise levels would be approximately 3 dBA, and a change of 5 dBA would be readily perceptible (Crocker 2007). Based on the scale of trip generation by nearby cumulative projects, it is not anticipated that these projects would combine to increase traffic noise to a perceptible extent. Furthermore, the project would not considerably contribute to a cumulative increase in traffic noise.

4.10 Utilities and Service Systems

This section analyzes the project's potential environmental impacts on utilities and service systems. The analysis discusses existing utilities systems and systems, the regulatory setting for utilities and service systems, and anticipated demand on utilities and services from the project. The background information and analysis are based on the City of San Luis Obispo's Urban Water Management Plan (UWMP), the 2019 Water Resources Status Report, and other City documents providing the most recent water and wastewater data.

4.10.1 Environmental Setting

a. Potable & Recycled Water

Water Supply

The City obtains water from multiple sources: Salinas Reservoir, Whale Rock Reservoir, Nacimiento Reservoir, and recycled water from the City's Water Resource Recovery Facility (San Luis Obispo 2021a). The City does not rely on local groundwater to serve long-term water supply needs. The City's water supplies from these sources are conveyed to the City's water treatment plant located on Stenner Creek Road before distribution throughout the city.

Salinas Reservoir

Salinas Reservoir (also known as Santa Margarita Lake) is located on the upper Salinas River, approximately 10 miles northeast of the project site. The reservoir captures water from a 112 square-mile watershed. The City has an agreement with U.S. Army Corps of Engineers (USACE) to receive up to 45,000 acre-feet per year (AFY) of the water from the reservoir. However, the reservoir has a maximum storage capacity of 23,842.9 acre-feet (AF), which limits the availability of water to the City annually (San Luis Obispo 2016). Water from Salinas Reservoir is pumped through the Cuesta Tunnel (a one-mile-long tunnel through the mountains of the Cuesta Ridge) and then flows by gravity to the City's water treatment plant. As of April 14, 2021, the total amount of water stored in the reservoir was 16,712 AF, and in 2020 the City used 2,154 AF of water from the reservoir, which comprised approximately 46 percent of the City's water supply (San Luis Obispo 2021a; 2021b).

Whale Rock Reservoir

Whale Rock Reservoir is located approximate 19 miles north of the project site near the community of Cayucos and stores an estimated 40,662 AF of water. Whale Rock Reservoir captures water from a 20.3 square mile watershed and water is delivered to the City through 17 miles of 30-inch pipeline and two pumping stations. The City owns 55 percent of the water storage rights at the reservoir. The remaining water storage rights are divided between 34 percent to California Polytechnic State University and 11 percent to the California Men's Colony (San Luis Obispo 2016). In 2020 the City used approximately 777 AF of water from the Whale Rock Reservoir, which comprised approximately 16 percent of the City's water supply (San Luis Obispo 2021a). As of March 24, 2021, the total amount of water stored in the reservoir was 30,400 AF, which is approximately 78 percent of capacity. The City's proportional share of Whale Rock Reservoir is 15,553 acre-feet as of March 1, 2021.

Nacimiento Reservoir

Monterey County Water Resources Agency owns Nacimiento Reservoir, which is located approximately 35 miles north of the project site. Nacimiento Reservoir stores up to 377,900 AF of water and the San Luis Obispo County Flood Control and Water Conservation District has entitlements for up to 17,500 AFY. The County of San Luis Obispo constructed a 45-mile pipeline to deliver water to participating cities and agencies. The City originally held a 3,380 AFY delivery entitlement from Lake Nacimiento water with the San Luis Obispo County Flood Control and Water Conservation District. In 2016, the City approved an addition of 2,102 AFY from Nacimiento Reservoir for secondary water supply, bringing the total water entitlement to 5,482 AFY (San Luis Obispo 2016). As of March 25, 2021, the total amount of water stored in the reservoir was 153,710 AF, which is approximately 41 percent of capacity (Monterey County Water Resource Agency 2021). In 2020, the City used approximately 1,562 AF of water from Nacimiento Reservoir, which comprised approximately 33 percent of the City's water supply (San Luis Obispo 2021a).

Recycled Water

Recycled water is treated wastewater approved for reuse by the California Department of Public Health for a variety of applications, including landscape irrigation and construction. In 2019, the City delivered 201 AF of recycled water for landscape irrigation and construction. Currently there is no recycled water infrastructure immediately adjacent to the project site. The project site is located in the City's Recycled Water Master Plan, which includes the extension of recycled water infrastructure along the project frontage.

The City's General Plan Water and Wastewater Management Element (WWME) addresses the availability and distribution of water to new and existing development. To ensure water supply reliability, the City must determine the amount of water available from these water resources on an annual basis (San Luis Obispo 2018). As detailed below under Table 4.10-1, the total water available for the City in 2020 was 10,107 AFY (San Luis Obispo 2021a).

Table 4.10-1 San Luis Obispo Water Resource Availability

Water Resource	Supply (AF)	Description
Salinas and Whale Rock Reservoirs	4,910	Safe Annual Yield
Nacimiento Reservoir	5,482	Contractual Amount
Recycled Water	215	2019 Annual Use
Siltation	(500)	Per WWME Policy A 4.2.2
2020 Annual Availability	**10,107**	

Source: 2020 Water Resource Status Report (San Luis Obispo2021a)

Water Demand

Existing Demand

In 2020 approximately 65.8 percent of total water use in the City was to support single and multifamily residential uses, 20.8 percent was to support commercial and other non-residential development, and 8.3 percent was to support landscape irrigation (San Luis Obispo 2021a). In 2020, total water use and the water demand in the City from all users was 4,730 AFY.

As required by Section 5 of the WWME, the City accounts for water supplies necessary to meet three specific community needs: primary water supply, reliability reserve, and secondary water supply. The primary water supply is defined as the amount of water needed to serve the buildout population of the City as identified in the General Plan Land Use Element. The buildout population within the urban reserve boundary is estimated to be 57,200 (San Luis Obispo 2014). Table 4.10-2 shows the City's water supply and the existing demand (2020). Compared to the 2020 annual availability, the City has approximately 2,766 AF of the Primary Water Supply available to serve new development within the City.

Table 4.10-2 The City's Water Supply Accounting

Total (AF)	Primary Water Supply	Reliability Reserve	Secondary Water Supply	2020 Water Demand
10,107	7,496	1,227	1,413	4,730

Notes: Units in AF

Source: 2020 Water Resource Status Report (San Luis Obispo 2021a)

Based on the WWME, a factor of 117 gallons per capita per day (gpcd) is used to project water required to serve the General Plan's estimated population in 2035. Based on the Land Use Element buildout population of 57,200, the estimated future demand in the City is estimated to be approximately 7,496 AFY.

Dry Year Projections

The City estimates future water supply and demand availability under single- and multiple-dry year scenarios in the draft 2020 UWMP. The City must demonstrate that sufficient water supplies be available to meet the next 20 years of projected water demands. According to the draft 2020 UWMP, the City has excess supply to meet demands during single- and multiple-dry years through 2035, as shown in Table 4.10-3 and Table 4.10-4 below (San Luis Obispo 2021).

Table 4.10-3 Supply and Demand in Normal and Single-Dry Years

Year-Type	2020	2025	2030	2035	2040
Normal and Single-Dry Year Supply	10,143	10,337	10,537	10,587	10,637
Normal Single-Dry Year Demand	4,817	7,272	7,713	8,191	8,624
Difference	5,326	3,166	2,824	2,396	2,013

Notes: Units in AFY

Source: San Luis Obispo draft 2020 UWMP, San Luis Obispo 2021d; 2020 Water Resource Status Report, San Luis Obispo 2021a

Table 4.10-4 Supply and Demand in Multiple-Dry Years

Year-Type	2020	2025	2030	2035	2040
Multiple (First, Second, and Third) Dry Years					
Multiple Dry Year Supply	10,143	10,337	10,537	10,587	10,637
Multiple Dry Year Demand	4,817	7,272	7,713	8,191	8,624
Difference	5,326	3,166	2,824	2,396	2,013

Notes: Units in AFY

Source: San Luis Obispo 2020 UWMP, San Luis Obispo 2021d, ; 2020 Water Resource Status Report, San Luis Obispo 2021a

b. Wastewater

The Utilities Department manages the City's wastewater and WRRF. The City provides sewer service in its service area via a collection system consisting of over 141 miles of main gravity sewer line, three miles of force main and nine lift sewer stations (City of San Luis Obispo 2016). Wastewater is conveyed to the WRRF, located on Prado Road near U.S. 101. The WRRF is responsible for wastewater treatment throughout the City, Cal Poly, and the San Luis Obispo County Regional Airport. The WRRF discharges into the adjacent San Luis Obispo Creek.

The WRRF is designed for an average dry-weather flow of 5.1 million gallons per day (mgd) and treated an average of 2.9 mgd during 2020 (2.75 mgd during dry weather), (San Luis Obispo 2021c). According to the WWME, based on the buildout potential of the Land Use Element, the average dry-weather flow of wastewater is expected to reach 5.4 mgd at the WRRF once the City reaches its 2035 build-out population identified in the Land Use Element. In 2019, construction began for the expansion and improvements to the WRRF. Upon completion in 2024, the WRRF modifications will increase treatment capacity at the facility to 5.4 mgd, which is planned to accommodate wastewater flows in the City under full buildout of the General Plan.

c. Stormwater Drainage and Facilities

The City's stormwater drainage system is a separate system that collects surface runoff and conveys it to community retention basins, and eventually out to the ocean. The project site is located in the San Luis Obispo Creek Watershed, between Orcutt Creek and Acacia Creek. Orcutt Creek joins Acacia Creek south of the project site. Acacia Creek serves as a tributary to the East Fork of San Luis Obispo Creek. San Luis Obispo Creek is the main tributary in the City, discharging into the Pacific Ocean at Avila Beach.

d. Electric Power and Natural Gas

As discussed in Section 4.4, *Energy*, Pacific Gas and Electric (PG&E) provides electrical power supply and infrastructure to San Luis Obispo, including the project site. Beginning in 2019, the Central Coast Community Energy (3CE) (formerly Monterey Bay Community Power) was established to source clean and renewable electricity for San Luis Obispo, while maintaining PG&E's role of delivering and maintaining electrical infrastructure. Southern California Gas Company (SoCalGas) provides natural gas service to approximately six million residential and business customers across 20,000 square miles of southern California, including San Luis Obispo (SoCalGas 2019). An existing natural gas transmission line owned and operated by SoCalGas runs provides service to San Luis Obispo. For

additional information on electricity and natural gas service and consumption, refer to Section 4.4, *Energy*.

e. Telecommunications

Numerous private local, wireless, and cellular phone service providers serve the San Luis Obispo area and the project site. Telecommunications lines are collocated along existing electrical transmission lines along Tank Farm Road.

4.10.2 Regulatory Setting

Regulations and policies pertaining to stormwater drainage are discussed in Section 4.7, *Hydrology and Water Quality*. Regulations and policies pertaining to electric power and natural gas are discussed in Section 4.4, *Energy*.

a. Federal

Clean Water Act

The federal Clean Water Act (CWA) is the primary federal law regulating water quality in the United States and forms the basis for several State and local laws throughout the country. The CWA established the basic structure for regulating discharges of pollutants into the waters of the United States. The CWA gave the U.S. Environmental Protection Agency (U.S. EPA) the authority to implement federal pollution control programs, such as setting water quality standards for contaminants in surface water, establishing wastewater and effluent discharge limits for various industry contaminants in surface water, establishing wastewater and effluent discharge limits for various industry categories, and imposing requirements for controlling nonpoint-source pollution. At the federal level, the CWA is administered by the U.S. EPA and USACE. At the State and regional levels in California, the act is administered and enforced by the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs).

b. State

Sustainable Groundwater Management Act

In September 2014, the governor signed legislation requiring that California's critical groundwater resources be sustainably managed by local agencies. The Sustainable Groundwater Management Act (SGMA) gives local agencies the power to sustainably manage groundwater and requires groundwater sustainability plans to be developed for medium- and high-priority groundwater basins, as defined by the California Department of Water Resources (DWR).

In May 2017, the City Council approved Resolution 10796 authorizing the City to become a Groundwater Sustainability Agency (GSA) for the San Luis Valley Groundwater Basin for the area that lies beneath and within the City's jurisdictional boundaries. In February 2019, the City Council, acting as the San Luis Valley Basin – City of San Luis Obispo Groundwater Sustainability Agency, approved the Notification of Intent to initiate development of a Groundwater Sustainability Plan (GSP) for the San Luis Obispo Valley Groundwater Basin, which is required to be complete by January 31, 2022.

California Plumbing Code

The California Plumbing Code is codified in CCR Title 24, Part 5. The Plumbing Code contains regulations including, but not limited to, plumbing materials, fixtures, water heaters, water supply and distribution, ventilation, and drainage. More specifically, Part 5, Chapter 4, contains provisions requiring the installation of low flow fixtures and toilets. Existing development will also be required to reduce its wastewater generation by retrofitting existing structures with water efficient fixtures (SB 407 [2009] Civil Code Sections 1101.1 et seq.).

California Water Code Section 10912

Section 10912 of the state Water Code (also contained in CEQA Guidelines Section 15155) identifies development projects that need to be reviewed and considered for impact on the water supply. Those projects are defined as:

a. *a residential development of more than 500 dwelling units;*
b. *a shopping center or business employing more than 1,000 persons or having more than 500,000 gross square feet of floor space;*
c. *a commercial office building employing more than 1,000 persons or having more than 250,000 gross square feet;*
d. *a hotel or motel with more than 500 rooms;*
e. *an industrial or manufacturing establishment housing more than 1,000 persons or having more than 650,000 gross square feet or 40 acres;*
f. *a mixed use project containing any of the foregoing; or*
g. *any other project that would generate a water demand at least equal to a 500 dwelling unit residential project.*

Water Code Section 10912 does not apply to the project because it would result in buildout of fewer than 500 dwelling units and less non-residential development than defined in the Code. As such, the project would not require a formal Water Supply Analysis.

The Water Conservation Act of 2009 (Senate Bill X7-7)

California adopted Senate Bill (SB) X7-7, or the Water Conservation Act of 2009, in November 2009. The legislation requires urban water retailers to set urban water use targets to achieve a 20 percent reduction in per capita urban water use by December 31, 2020.

California Public Utilities Commission

The California Public Utilities Commission develops and implements policies for the telecommunication industry. The Communications Division is responsible for licensing, registration and the processing tariffs of local exchange carriers, competitive local carriers, and non-dominant interexchange carriers. It is also responsible for registration of wireless service providers and franchising of video service providers. The Division tracks compliance with commission decisions and monitors consumer protection and service issues and Commission reliability standards for safe and adequate service (CPUC 2020).

c. Local

City of San Luis Obispo Urban Water Management Plan

The California Water Code, Division 6, Part 2.6, Section 10610 et. seq. (California Urban Water Management Planning Act) requires any municipal water supplier serving over 3,000 connections or 3,000 AFY to prepare a UWMP. The City of San Luis Obispo 2015 UWMP characterizes historical water supplies and use, projects future demand and supply through 2035, and identifies supply augmentation projects and programs, cumulative water demand projections, and water shortage contingency plans. Supply and demand projections are included for normal, single-dry, and multiple-dry year scenarios. The draft 2020 Urban Water Management Plan is available and anticipated to be presented to the City Council in June 2021. The 2020 UWMP projects water demand to 2040.

City of San Luis Obispo General Plan

WATER AND WASTEWATER MANAGEMENT ELEMENT

The WWME provides the policy context for San Luis Obispo to achieve its vision for preservation, development, and utilization of water resources. WWME policies and programs relevant to the project include the following:

- Policy A 2.2.2 Water Service within the City

  A. The City will be the only purveyor of water within the City.

  B. Appropriate use of privately-owned wells is allowed on individual parcels. The use of the water from a well shall only be utilized on the parcel on which it is situated.
- **Policy A 5.2.1 Water Use Rate.** The City will utilize the per capita water use rate allowed by Senate Bill X7-7 for projecting future potable water demand established as 117 gallons per capita per day.
- **Policy A 5.2.2 Primary Water Supply.** The City shall establish the amount of water needed for General Plan buildout using the water use rate established in Policy A 5.2.1 multiplied by the projected General Plan build-out population identified in the Land Use Element.
- **Policy A 5.2.3 Reliability Reserve.** The City will establish a reliability reserve that is 20-percent of the water use rate established in Policy A 5.2.1 multiplied by the current population. The water supply designated as the reliability reserve may not be used to serve future development.
- **Policy A 5.2.4 Secondary Water Supply.** After accounting for primary water supply and a reliability reserve, any remaining water supplies shall be utilized for meeting short-term water supply shortages or peak water demands.
- **Policy A 5.2.5 Paying for New Development.** New development shall pay its proportionate or “fair share” for water supplies, expanded treatment and distribution system capacity and upgrades.
- **Program A 7.3.1**. Expand the recycled water distribution system to serve customers in the Recycled Water Master Plan area.
- **Program A 7.3.2**. Review development proposals for projects within the Recycled Water Master Plan area to ensure recycled water is utilized for appropriate uses.

- **Policy B 2.2.2 Service Capacity**. The City's wastewater collection system and Water Resource Recovery Facility shall support population and related service demands consistent with the General Plan.
- **Policy B 2.2.3 Wastewater Service for New Development**. New development shall pay its proportionate or "fair share" of expanded treatment and collection system capacity and upgrades. New development will only be permitted if adequate capacity is available within the wastewater collection system and/or Water Resource Recovery Facility.

CONSERVATION AND OPEN SPACE ELEMENT

The Conservation and Open Space Element contain policies that address water as a component of a sustainable community. Policies that are applicable to the proposed project include:

- **Policy 10.2.2 Ahwahnee Water Principles.** In planning for its water operations, programs and services, the City will be guided by the Ahwahnee Water Principles and will encourage individuals, organizations, and other agencies to follow these policies:

  d. All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

  e. Permeable surfaces should be used for hardscape. Impervious surfaces such as driveways, streets, and parking lots should be minimized so that land is available to absorb storm water, reduce polluted urban runoff, recharge groundwater and reduce flooding.

  f. Dual plumbing that allows grey water from showers, sinks and washers to be reused for landscape irrigation should be included in the infrastructure of new development, consistent with State guidelines.

  g. Community design should maximize the use of recycled water for appropriate applications including outdoor irrigation, toilet flushing, and commercial and industrial processes. Purple pipe should be installed in all new construction and remodeled buildings in anticipation of the future availability of recycled water.

  h. Urban water conservation technologies such as low-flow toilets, efficient clothes washers, and more efficient water-using industrial equipment should be incorporated in all new construction and retrofitted in remodeled buildings.

Clean Energy Choice Program for New Buildings

The City is currently developing local amendments to the 2019 California Building Code (CBC) to encourage all-electric new buildings. When paired with Central Coast Community Energy's (formerly Monterey Bay Community Power) carbon free electricity supply, all electric new buildings are carbon free and avoid health and safety issues associated with fossil fuels and GHGs. At its meeting on Tuesday, June 16, 2020, the City Council approved the Clean Energy Choice Program. The City joins more than 50 other California communities currently considering ways to encourage cleaner buildings. Unlike some cities that are banning natural gas entirely, the proposed Clean Energy Choice Program will provide options to people who want to develop new buildings with natural gas. New projects wishing to use natural gas will be required to build more efficient and higher performing buildings.

City of San Luis Obispo Municipal Code

Title 13 of the City Municipal Code provides regulations and standards for development within the City relating to public services, including water service, water conservation, sewers, underground utilities, and recycled water.

4.10.3 Impact Analysis

a. Methodology

Existing and forecasted capacities of public and private utility service providers were obtained from the General Plan WWME, 20 UWMP, Wastewater Master Plan (2015), Recycled Water Master Plan (2017), the City's 2019 Water Resources Status Report. Water and wastewater demand for the project were estimated using water and wastewater rates from the Potable Water Distribution System Operations Master Plan, and then City's Standard Specifications and Engineering Standards (City of San Luis Obispo 2020). The water and wastewater demand were to the City's existing capacity and applicable policies and standards.

b. Significance Thresholds

Appendix G of the *State CEQA Guidelines* states that the project have a significant impact on utilities and service systems if it would:

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects;

b. Not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;

c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;

d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

e. Not comply with federal, State, and local management and reduction statutes and regulations related to solid waste.

Potential impacts related to solid waste (checklist questions d and e) are discussed in Section 4.11, *Impacts Addressed in the Initial Study*. Such impacts were found to be less than significant and are not discussed further in this section.

c. Impacts Analysis

Threshold a:	Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Impact U-1 EXISTING WATER CONVEYANCE AND WASTEWATER TREATMENT INFRASTRUCTURE WOULD HAVE ADEQUATE CAPACITY TO SERVE THE PROJECT. THE PROJECT WOULD NOT REQUIRE NEW OR EXPANDED OFF-SITE WATER AND WASTEWATER TREATMENT, STORMWATER DRAINAGE FACILITIES, ELECTRICAL POWER, NATURAL GAS, OR TELECOMMUNICATION FACILITIES. THEREFORE, THE PROJECT WOULD NOT RESULT IN A SIGNIFICANT IMPACT ASSOCIATED WITH THE NEED FOR NEW OR EXPANDED UTILITY FACILITIES.

Potable and Recycled Water

The project site is served by existing City potable water lines along Tank Farm Road. The project would require connections to the existing water infrastructure adjacent to the project site. In addition, the project would be required to extend recycled water lines across its Tank Farm and Santa Fe Road frontages consistent with the City's Recycled Water Master Plan and WWME Programs A 7.3.1 and A 7.3.2. Recycled water would be used for any onsite landscape irrigation. The construction of required water connections and recycled water lines would occur on the project site and adjacent Tank Farm Road right-of-way and are accounted for in the discussion of temporary construction impacts throughout this EIR. As discussed in Impact U-2, the City has sufficient water supplies to serve the project and would therefore not require new or expanded potable water supply infrastructure. Therefore, the project would not result in a significant impact associated with a need for new or expanded potable or recycled water facilities.

Wastewater Collection and Treatment

The project site vicinity is served by an existing wastewater collection infrastructure which conveys wastewater by gravity to the Tank Farm Lift Station, constructed in 2009. Wastewater is then pumped from the lift station via a force main to Prado Road where it flows by gravity to the WRRF. The project would require connection to existing wastewater conveyance infrastructure along Tank Farm Road. The construction of required wastewater connections would occur on the project site and adjacent Tank Farm Road right-of-way and is accounted for in the discussion of temporary construction impacts throughout this EIR. As discussed in Impact U-3, the WRRF has available capacity to serve the project and it is currently undergoing construction to increase its capacity. Therefore, the project would not result in a significant impact associated with a need for new or expanded wastewater facilities.

Stormwater Drainage

Existing stormwater drainage and runoff from the project site flows southeasterly to Acacia Creek and street drainage on the south side of Tank Farm Road is transferred to the northside through an existing drainage pipe. An existing stormwater basin is located on the southern portion of the project site. The basin is separated from Acacia Creek by an earthen berm; however, a small pipe leads out of the basin in the southeast corner for overflow drainage into Acacia Creek. Proposed grading activity would contour the project site to drain from west to east toward localized surface bioswales adjacent to Acacia Creek, which would drain toward the retention basin in the southeast

corner of the site. As discussed in Section 4.7, *Hydrology and Water Quality*, runoff from the project site would be discharged at the pre-development rate for the 2-year through 10-year storm event. Additionally, discharge to Acacia Creek would not exceed the allowable 5 percent increase for the 2-year through 100-year storm event, as required by the City's Drainage Master Plan and stormwater regulations. Therefore, the project would not result in a significant impact associated with a need for new stormwater drainage facilities.

Electric Power and Natural Gas

The project site and vicinity are currently served by existing natural gas and electricity systems. The project would connect to existing above-ground electricity lines along Tank Farm Road. As discussed in Section 4.4, *Energy*, the project would be designed and constructed to be all-electric, consistent with the City's Clean Energy Choice Program for New Buildings.

As discussed in Section 4.4, *Energy*, the project would increase electricity demand. However, the project's nominal increase in energy demand relative to the utilities' existing demand would not require additional electricity substations or natural gas infrastructure beyond those currently serving the San Luis Obispo area generally or the project site specifically. Therefore, the project would not result in a significant impact associated with providing new or expanded electricity facilities.

Telecommunications

Telecommunications lines are co-located with electricity transmission lines along Tank Farm Road. The project would connect to these existing telecommunication lines and would not require new or expanded facilities to provide telecommunications services. Therefore, the project would not result in a significant impact associated with providing new or expanded telecommunications systems.

Mitigation Measures

These impacts would be less than significant, and no mitigation is required.

Threshold b:	Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Impact U-2 ADEQUATE WATER SUPPLIES ARE AVAILABLE TO SERVE THE PROJECT. THEREFORE, THE POTENTIAL IMPACT TO WATER SUPPLY WOULD BE LESS THAN SIGNIFICANT.

Water would be required for temporary construction activities on the project site, such as dust suppression, grading and grubbing, compaction, construction equipment wheel washing, and concrete mixing and casting. However, the City does not allow potable water to be used for construction activities. The project would be required to obtain a Construction Water Permit which would utilize recycled water.

The proposed residential and commercial uses on the project site would connect to the City's existing water supply infrastructure along Tank Farm Road and would result in a long-term increase in water use over existing conditions. To estimate the project's water demand, this analysis applies the City's water use factors of 0.3 AFY for residential uses and a factor of 0.06 AFY per 1,000 square feet for commercial land uses (San Luis Obispo 1999). Using the residential and commercial demand factors above, the project is estimated to require 75,660 gpd of potable water, or approximately 85

AFY.[1,] The proposed roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road would not result in a long-term increase in water demand.

Table 4.10-5 compares the City's available water supply and projected city-wide water demand with the project's estimated water demand. The project's water demand would represent an increase of approximately 1 percent in the City's projected water demand and would consume approximately 3.5 percent of the City's available water supply.

Table 4.10-5 Project Water Demand and Supply

City Water Supply	City Projected Water Demand[1]	City Water Availability[1]	Project's Water Demand[2]
10,136 AFY	7,496 AFY	2,640 AFY	85 AFY

AFY = acre feet per year

1. Citywide water availability is defined as the remaining water supply after accounting for projected citywide water demand.

2. Citywide water demand is projected for the year 2035, based on the City's 1999 Water Use Factors.

Sources: San Luis Obispo 2021a

As shown in Table 4.10-5, the City currently has sufficient existing municipal water supply to provide water to the project. In addition, as shown in Table 4.10-3 and Table 4.10-4 in Section 4.10.1(a), the City has available water supplies to provide potable water to the project during single- and multiple-dry year events.

WWME Policy A 5.2.5 requires new development to pay its proportionate share of water supplies, expanded treatment, and distribution system capacity. Therefore, the potential impact to water supply would be less than significant.

Mitigation Measures

This impact would be less than significant, and no mitigation is required.

Threshold c:	Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Impact U-3 THERE IS SUFFICIENT WASTEWATER CAPACITY TO SERVE THE PROPOSED PROJECT. THEREFORE, THE POTENTIAL IMPACT RELATED TO WASTEWATER GENERATION WOULD BE LESS THAN SIGNIFICANT.

The project would result in new wastewater generation on-site, requiring a connection to the City's wastewater collection system and sewer service to the WRRF. The proposed roundabout and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road would not result in a long-term increase in wastewater demand. Wastewater generated by the projects new residential and commercial uses was estimated using generation rates from the City's Wastewater Flow Offset Program. As shown in Table 4.10-6, the project would generate an estimated 38,450 gpd, or approximately 0.04 mgd, of wastewater.

[1] 84.75 AFY = 325,851 gallons per AF / 365 days per year = 75,660 gpd

Table 4.10-6 Estimated Project Wastewater Generation

Unit Size	Amount[1]	Generation Rate[2]	Projected Wastewater Generation
Residential (>1,200 sf)	140 units	150 gpd/unit	21,000 gpd
Residential (801-1,200 sf)	100 units	125 gpd/unit	12,500 gpd
Residential (450-800 sf)	40 units	105 gpd/unit	4,200 gpd
Commercial	12,500 sf	60 gpd/1,000 sf	750 gpd
Total	**-**		**38,450 gpd**

sf= square foot; gpd = gallons per day

[1] Number of units in each size range estimated conservatively, based on proposed unit sizes in Table 2-1, Project Characteristics, in Section 2, Project Description.

[2]; Standard Specifications and Engineering Standards 2020.

As discussed in Section 4.10.1(b), Wastewater, the WRRF has a current excess capacity of 2.2 mgd. Therefore, the City has sufficient existing wastewater treatment capacity to serve the project's estimated wastewater generation. The WRRF is currently undergoing construction to increase available capacity, which is estimated to be completed in 2024. WWME Policy B 2.2.3 requires new development to pay its proportionate share of expanded treatment and collection system capacity and upgrades. Therefore, the potential impact to wastewater capacity would be less than significant.

Mitigation Measures

This impact would be less than significant, and no mitigation is required.

d. Cumulative Impacts

As described in Section 3, Environmental Setting, a substantial amount of development is proposed, planned, or underway in the southeastern portion of San Luis Obispo including the San Luis Ranch Specific Plan, Avila Ranch Specific Plan, Margarita Area Specific Plan, AASP, Orcutt Area Specific Plan, and Froom Ranch Specific Plan. The mobile home park property adjacent to the subject property (650 Tank Farm Road) has approved entitlements for the development of residential mixed-use and assisted living facilities (San Luis Obispo 2019b). The property further to the east at the northwest corner of Tank Farm Road and Broad Street (660 Tank Farm Road) has been proposed to be redeveloped with an assisted living facility and retail commercial development. Under the Chevron Tank Farm Remediation and Development Project, business parks would be developed immediately to the west of the subject property and to the south of Tank Farm Road.

Cumulative development in the City of San Luis Obispo consists of approximately 4,039, 605 senior and assisted living units residential units, 817 hotel rooms, 1.2 million square feet of commercial/business park development, and a 17,703 square foot water resource facility. Cumulative development in the City would increase local demand for water supply, wastewater capacity, storm water drainage, electric power, natural gas, and telecommunications facilities, in a manner which would ultimately require new or expanded utilities facilities and infrastructure.

Water

The geographic scope for cumulative water supply impacts is the City of San Luis Obispo. This geographic scope is appropriate because the City is responsible for supplying water to all residential, commercial, industrial, and fire protection uses within its service area. Cumulative development in the San Luis Obispo service area would increase the City's demand on water supplies. Based on the citywide population of 57,200 under buildout of the City's General Plan, the estimated future demand in the City is approximately 7,496 AFY (San Luis Obispo 2014). As shown in Table 4.10-2, the City had an existing primary water supply of 7,496 AFY in 2020, which is 2,766 AF greater than estimated 2020 demand. In addition, as shown in Table 4.10-3 and Table 4.10-4, the city has excess potable water supplies to meet demands through 2035 in drought scenarios under single- and multiple-dry years.

The proposed project would increase water demand beyond what is anticipated by the City's existing land use designation. However, the project would be required to comply with WWME Policy A 5.2.5, which requires new development to pay its proportionate share of water supplies. The project would also be required to install recycled water facilities within Tank Farm Road along its frontage. Overall, the City has available water supplies that exceed estimated buildout demand, and the project would not contribute substantially to an increase in water demand that would exceed the City's overall potable water supply. Therefore, the project would not contribute considerably to a cumulative water supply impact.

Wastewater

Impacts to the WRRF and the wastewater collection system would be cumulatively significant if cumulative development in the service area would exceed the capacity of the WRRF plant. As discussed in Impact U-3, the WRRF has adequate capacity to serve the project. However, cumulative projects listed in Table 3-1 would increase demands on the existing wastewater treatment and conveyance facilities. According to the WWME, the average dry-weather flow of wastewater is expected to reach 5.4 mgd at the WRRF, which currently has a capacity of 5.1 mgd. In 2019, construction began for the expansion and improvements to the WRRF (San Luis Obispo 2019a). Upon completion, the WRRF modifications would increase treatment capacity at the facility to 5.4 mgd, which would accommodate the projected dry-weather wastewater flows in the City under full buildout of the General Plan.

The project would increase wastewater demand over what is anticipated by the City's existing land use designation. However, the project would be required to comply with WWME Policy B 2.2.3, which requires new development to pay its proportionate or "fair share" of expanded treatment and collection system capacity and upgrades. Overall, the City has adequate wastewater treatment capacity to serve the anticipated the estimated buildout demand, and the project would not contribute substantially to an increase in wastewater demand that would exceed the capacity of the WRRF plant. Therefore, the project would not contribute considerably to a cumulative wastewater capacity impact.

Stormwater

Cumulative impacts to stormwater/drainage facilities are discussed in Section 4.7, *Hydrology and Water Quality*. Individual projects would be subject to the stormwater capture and treatment requirements of the applicable MS4 Permit and the City's Drainage Master Plan and stormwater

regulations, which would reduce potential impacts to stormwater drainage facilities. Therefore, the potential cumulative impacts to stormwater/drainage facilities would be less than significant.

Electric Power and Natural Gas

Cumulative impacts with respect to electricity and natural gas consumption are discussed in Section 4.4, *Energy*. Cumulative projects listed in Table 3-1 would increase demands on energy and could require the relocation or construction energy facilities that could result in cumulative environmental effects.

Future development, including the proposed project, would be subject to applicable local, regional, State, and federal policies regarding energy efficiency which would reduce the need for new or expanded electrical and natural gas facilities. Section 4.4, *Energy*, concludes that electric power and natural gas providers would have sufficient supplies to accommodate the project. In addition, the proposed project would not require additional electricity substations beyond those currently serving the San Luis Obispo area generally or the project site specifically. Therefore, the project's contribution to cumulative impacts on energy facilities would not be cumulatively considerable.

Telecommunication

The geographic scope for cumulative telecommunications impacts is the City of San Luis Obispo, which is appropriate due to the service area of existing service providers (mainly Spectrum, a Charter Cable company). Cumulative development would increase demand for telecommunications infrastructure in the county. As discussed above under Impact U-1, the project would include telecommunications connections to existing lines and systems, as service providers exist for the project site and vicinity. Therefore, the project's contribution to cumulative impacts on energy facilities would not be cumulatively considerable.

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4.11 Impacts Addressed in the Initial Study

This section summarizes the analysis of issue areas for which no significant adverse impacts were identified and, therefore, are not discussed in detail in the Environmental Impact Report (EIR). In accordance with the *CEQA Guidelines*, a Notice of Preparation (NOP) and Environmental Scoping Document (Scoping Paper) for this EIR were distributed for review by affected agencies and the public on November 20, 2020. Please refer to the Initial Study (Appendix A) for the complete issue area analysis considered during public circulation of the NOP for the project. The NOP and responses received during the NOP comment period are presented in Appendix A of this report and summarized in Section 1, *Introduction*. Based on the Initial Study and comments received during the NOP comment period, the City of San Luis Obispo determined that there was no substantial evidence that the project would cause or otherwise result in significant environmental effects for the resource areas described below. This discussion closely reflects what was described in the Initial Study and is included here for the reader's convenience.

For some resource areas, such as Air Quality, certain issues were determined to be less than significant in the Initial Study, while others that were potentially significant were to be examined in greater detail in the EIR. In the case of Air Quality, those issues are discussed in Section 4.1 of this document.

4.11.1 Aesthetics

Potential Environmental Effects

- Would the project have a substantial adverse effect on a scenic vista?
- Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings?
- Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Reasons Why Effects Were Not Found Significant

Scenic Vistas and Public Views

The project's proposed frontage would be along the moderate/high scenic value portion of Tank Farm Road west of the intersection with Broad Street. Views from Tank Farm Road to the hillsides west of the project site are partially blocked by existing vegetation along Acacia Creek, and the project would not impact view of these hillsides due to the roadway angle near the project site and the existing vegetation. The required roundabout at the intersection of Tank Farm Road and Santa Fe Road and frontage improvements along Tank Farm Road and Santa Fe Road would not substantially alter views of hillsides. Although new structures would block views of hillsides from the portion of Tank Farm Road immediately south of the project site, these hillsides are not within designated scenic vistas and there are no identified scenic "cones of view" through the project site according to General Plan Figure 11, *Scenic Roadways and Vistas* (City of San Luis Obispo 2014a). Therefore, the project would not degrade or block any designated high scenic views or otherwise degrade the existing quality of the site or surroundings. In addition, the project would incorporate

on-site landscaping and vegetation consistent with background views of open space land uses. The project would be visually consistent with existing and planned development on the north side of Tank Farm Road and development along Broad Street to the east of the project site.

The visual character of the site as viewed from Tank Farm Road would be modified by the removal of existing vehicle parking and construction material storage and replacement with buildings up to three stories in height and roadway improvements. The project would involve the removal of small stands and individuals of non-native trees and shrubs on the project site, but would not involve removal of trees in the riparian corridor of Acacia Creek, which are the primarily visual component of views of the site from the south. Tree removal would be required to comply with the City's Tree Ordinance, and the project would incorporate on-site landscaping along the perimeter of the site and would leave the northwest portion of the site as open space, which would supplement hillside views to the northeast. Development on the project site would be reviewed by the Tree Committee (TC) and the Architectural Review Committee (ARC), both of which would make recommendations to ensure compliance with City requirements. Therefore, the project would not have a significant adverse effect on a scenic vista, or substantially degrade the existing visual character or quality of the site and its surroundings.

Scenic Resources within a State Scenic Highway

The project site is located along Tank Farm Road, approximately 1.5 miles from U.S. 101, which is the nearest state highway to the site. The section of U.S. 101 through the City of San Luis Obispo is not designated as a State Scenic Highway. Due to the distance between U.S. 101 and the project site, there are no available views of the project site from U.S. 101.

Light and Glare

Development of the project site would result in an increase in ambient nighttime lighting through the addition of parking lot and security/safety lighting, and exterior fixtures associated with residential and mixed-use structures. The site would also experience an increase of headlights and vehicle glare from vehicles accessing the site. The project would be required to conform to the City's Lighting and Night Sky Preservation Ordinance (Zoning Regulations Section 17.70.100), which sets operation standards and requirements for lighting installations. The project would also be required to comply with City General Plan policies pertaining to lighting and glare (Policy 9.2.3 Outdoor Lighting), as well as the City's Community Design Guidelines. Prior to development of the site under the proposed project, the applicant would also be required to provide an overall lighting plan that demonstrates that the project complies with the requirements of Zoning Regulations section 17.70.100, which prohibits lighting or illuminated devices that would create glare which results in a hazard or nuisance on other properties. Compliance with applicable City policies and regulations would ensure that impacts associated with the creation of new sources of exterior lighting and glare would be less than significant.

4.11.2 Agricultural and Forestry Resources

Potential Environmental Effects

- Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?

- Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- Would the project result in the loss of forest land or conversion of forest land to non-forest use?
- Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Reasons Why Effects Were Not Found Significant

The project site is not located on land currently used for agriculture and does not contain any forest land or resources. There is no agriculturally-zoned land, land enrolled in a Williamson Act Contract, or timber or forest lands on the project site, and the site is not a part of any timber harvesting plans or zones. The Farmland Mapping and Monitoring Program (FMMP) designates the project site as "Other Land" (DOC 2016). Therefore, the project would not convert agricultural land to non-agricultural use, conflict with existing zoning for agricultural use, convert forest land to non-forest use, or conflict with existing zoning for forest land.

4.11.3 Air Quality

Potential Environmental Effects

- Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Reasons Why Effects Were Not Found Significant

The SLOAPCD CEQA Air Quality Handbook (2012) identifies typical land uses that have the potential to result in odorous emissions and provides recommendations for siting new sensitive land uses in close proximity to these uses. The project would rezone the site for mixed residential and non-residential (commercial-service/office space) uses, which are not identified by SLOAPCD as uses that typically create objectionable odors. In addition, the project site is surrounded by service commercial/business park land uses to the south, existing and approved new residences to the east, the Damon-Garcia Sports Fields to the north, and the undeveloped Chevron property to the west. None of these land uses include operations listed in the CEQA Air Quality Handbook as potential odor-contributing sources. Therefore, development under the proposed rezone would not result in objectionable odors that would affect a substantial number of people.

4.11.4 Biological Resources

Potential Environmental Effects

- Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Reasons Why Effects Were Not Found Significant

The project site is not located in any adopted Habitat Conservation Plans or Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plan. Therefore, there would be no impact.

4.11.5 Cultural Resources

Potential Environmental Effects

- Would the project disturb any human remains, including those interred outside of formal cemeteries?

Reasons Why Effects Were Not Found Significant

Ground disturbing construction activities have the potential to encounter or disturb undiscovered human remains. If human remains are found, the State of California Health and Safety Code Section 7050.5 requires that no further disturbance occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner would be notified immediately. If the human remains are determined to be prehistoric, the coroner would notify the Native American Heritage Commission (NAHC), which would determine and notify a most likely descendant (MLD). The MLD would complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. The project would adhere to the statutory requirements of the State Health and Safety Code and Public Resources Code, which would ensure proper procedures are implemented if human remains are uncovered. Compliance with applicable State and local regulations regarding handling of human remains would ensure that this impact would be less than significant.

4.11.6 Geology and Soils

Potential Environmental Effects

- Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
  - Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?
  - Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?
  - Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?
- Would the project result in substantial soil erosion or the loss of topsoil?

- Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
- Would the project be located on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Reasons Why Effects Were Not Found Significant

Fault Rupture and Ground Shaking

The nearest active fault is the Los Osos Fault, which runs northwest/southeast outside of the City limits and does not pass through the project site (City of San Luis Obispo 2014b). There are no Alquist-Priolo Earthquake Fault zones on-site or in the project vicinity (DOC 2019). Therefore, the proposed residential and mixed-use buildings and roadway improvements would not be placed on an Alquist-Priolo Earthquake Fault zone and would not result in hazards relate to fault rupture. While there are no active faults mapped on the project site, seismic events caused by active and potentially active faults in the region could result in seismic ground shaking on-site. The City is within Seismic Zone 4. The California Building Code (CBC), which incorporates the Uniform Building Code, and the California Division of Mines and Geology Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication 117 (revised 2008), includes design and construction requirements related to fire safety, life safety, and structural safety. Compliance with existing building standards would minimize potential safety hazards from seismic ground shaking, and ensure impacts associated with the project would be less than significant.

Liquefaction and Unstable/Expansive Soils

The project site is identified in the Safety Element of the San Luis Obispo General Plan as being located in an area of very high liquefaction potential (City of San Luis Obispo 2014b). Policy 4.7 of the Safety Element of the City General Plan states that development may be located in areas of high liquefaction potential only if a site-specific investigation by a qualified professional determines that the proposed development would not be at risk from settlement and liquefaction. According to the Soils Engineering Report prepared for the project site, due to the consistency and relative density of the in-situ soils, the potential for seismic liquefaction of soils at the project site is low (refer to the Soils Engineering Report included with the Initial Study in Appendix A).

The Soils Engineering Report identifies potential geological concerns at the project site, including potential groundwater seepage, presence of loose surface and subsurface materials, shallow bedrock, and expansive material. The Soils Engineering Report provides design recommendations, including building pad, foundation, and flatwork recommendations, which would be incorporated into the final project design through required Conditions of Approval and/or permit conditions. The final project design would be required to comply with applicable CBC and Municipal Code requirements, and to implement required Conditions of Approval and permit conditions, which would ensure potential impacts associated with unstable soils would remain less than significant.

Landslides

The project site is generally flat, without slopes, hills, or mountains that would expose people or structures to risks regarding landslides. As identified in the Safety Element of the City General Plan, the project is not located in an area identified with landslide hazards.

Topsoil

The site is previously developed, generally flat, and located in a partially-developed area of the City. The most significant source of potential erosion of on-site would be during initial site ground disturbance/construction and from storm water runoff. The project applicant would be required to develop a Storm Water Control Plan which would describe design requirements to address the collection of storm water and the direction of run off flow to on and off site drainages. In addition, the project applicant would be required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP), which would describe best management practices to minimize on- and off-site erosion and sediment run off during construction. Preparation of the required Storm Water Control Plan and SWPPP would ensure the project would not result in substantial temporary or long-term erosion or loss of topsoil.

Septic Tanks

The project would connect to the City sanitary sewer system and would not require the use of septic tanks or other alternative wastewater disposal systems. There would be no impact regarding soil capability.

Paleontological Resources

According to the Soils Engineering Report, the project site contains Quaternary (Holocene) alluvial deposits mapped at the surface, which are generally too young to contain fossilized material, and are assigned a low paleontological sensitivity (refer to the Soils Engineering Report included with the Initial Study in Appendix A). However, based on regional geologic mapping these Holocene sediments may grade into older buried Pleistocene alluvium in which scientifically significant fossils have a higher potential to occur. Pleistocene-aged sediments have high paleontological sensitivity at as few as six feet below ground surface regionally. Therefore, there is the potential for project construction and implementation to impact paleontological resources. Implementation of Mitigation Measure GEO-1(a) through GEO-1(d), which are shown below and included in the Initial Study (Appendix A) and Table ES-2 in the *Executive Summary*, would reduce potential impacts to paleontological resources to a less than significant level.

MITIGATION MEASURES

GEO-1(a) Paleontological Monitoring

Prior to issuance of grading permits and the commencement of ground disturbing activities on the project site that are greater than six feet in depth, a qualified professional paleontologist shall be retained to conduct paleontological monitoring during such ground disturbing activities. The Qualified Paleontologist shall have knowledge of the local paleontology and shall be familiar with paleontological procedures and techniques.

Prior to the commencement of construction activities, an orientation meeting shall be conducted by the Qualified Paleontologist, general contractor, subcontractor, and construction workers associated with earth disturbing activities. The orientation meeting shall describe the potential of

exposing paleontological resources, the types of materials may be encountered, and directions on the steps that shall be taken if such a find is encountered.

Ground disturbing construction activities (including grading, trenching, drilling with an auger greater than 3 feet in diameter, and other excavation) within previously undisturbed sediments at depths greater than six feet shall be monitored on a full-time basis. Monitoring shall be supervised by the Qualified Paleontologist and shall be conducted by a qualified paleontological monitor, who is defined as an individual who meets the minimum qualifications per standards set forth by the SVP (2010), which includes a B.S. or B.A. degree in geology or paleontology with one year of monitoring experience and knowledge of collection and salvage of paleontological resources.

If the Qualified Paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend reducing monitoring to periodic spot-checking or cease entirely. Full-time monitoring shall be reinstated if any new ground disturbances are required at a depth of six feet or greater, and reduction or suspension would need to be reconsidered by the Qualified Paleontologist. Ground-disturbing activity that does not exceed six feet in depth within Quaternary alluvium would not require paleontological monitoring.

GEO-1(b) Fossil Discovery, Preparation, and Curation

In the event that a paleontological resource is discovered, the monitor shall have the authority to temporarily divert construction equipment around the find until it is assessed for scientific significance and collected. Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection along with all pertinent field notes, photos, data, and maps. Curation fees are assessed by the repository and are the responsibility of the project owner.

GEO-1(c) Paleontological Monitoring Plan

Prior to the start of ground-disturbing activities, a Paleontological Monitoring Plan shall be prepared and submitted to the City for review and approval. The Plan shall be prepared by a Qualified Paleontologist and shall address the following:

- Procedures for Paleontological Monitoring;
- Procedures for the paleontologist to make and implement recommendations as to whether or not monitoring should be required on a full-time basis;
- Procedures for the paleontological monitor to temporarily redirect construction away from an area if paleontological resources are encountered during grading or excavation in order to assess the significance of the find; and
- Procedures for the handling of collected resources, including preparation to the point of identification.

GEO-1(d) Final Paleontological Mitigation Report

At the conclusion of laboratory work and museum curation, a final report shall be prepared describing the results of the paleontological mitigation monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the City and the designated museum repository.

4.11.7 Hazards, Hazardous Materials, and Safety

Potential Environmental Effects

- Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?
- Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Reasons Why Effects Were Not Found Significant

Hazardous Materials Transport and Use

Small quantities of potentially hazardous materials such as fuels, lubricants, and solvents would be used during construction of the project and must be handled, stored, transported, and disposed of in accordance with California Health and Safety Code, Division 20, Chapter 6.5, and California Code of Regulations Title 22 and California Code of Regulations, Title 22, Article 11, Section 66693.

The transport of materials during the construction of the project could pose a threat to residents and people in the area. An accident involving such trucks could potentially expose nearby people to health hazards. However, U.S. EPA and U.S. Department of Transportation laws and regulations have been promulgated to track and manage the safe interstate transportation of hazardous materials and waste. Enforcement of these regulations and rapid response by local agencies would ensure that hazards to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment are less than significant.

Hazardous Materials Release

Residential uses would not involve the use or storage of large quantities of hazardous materials. Allowable non-residential uses in the commercial-service/office space designation include laundry and dry-cleaning facilities, medical laboratory facilities, photo and film processing, which may involve the use or storage of hazardous materials. The use of such materials is regulated by federal, State, and local laws, with which the project would be required to comply. Zoning Regulations section 17.70.130.D.4 (Limitations on Use) prohibits specific uses within any mixed-use development where there is a possibility of affecting the health or safety of mixed-use development residents due to the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes. In addition, the project would be required to adhere to the policies in the City of San Luis Obispo Safety Element, which discuss safety and reducing the risks of hazardous material exposure. Program 9.6 of the City's Safety Element states that the City shall ensure that

transportation of hazardous materials follows Caltrans-approved routes, and that all necessary safety precautions are taken to prevent hazardous material spills.

Schools

The nearest school to the site is the Montessori School at Unity, located approximately 1.5 miles to the northeast. There are no schools within 0.25 mile of the project site, and Zoning Regulations section 17.70.130.D.4 (Limitations on Use) prohibits specific uses within any mixed-use development where there is a possibility of affecting the health or safety of mixed-use development residents due to the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

Emergency Evacuation and Response

Construction of new residential and mixed-use structures on the project site would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan, as no such plans apply to the project site. The project would be required to comply with San Luis Obispo Fire Department specifications and Chapter 5 of the California Fire Code, which would ensure that the project does not interfere with emergency response or evacuation procedures. The project would develop a planned roundabout at the intersection of Tank Farm Road and Santa Fe Road and frontage improvements along Tank Farm Road. The planned roundabout and roadway frontage improvements would be required to comply with the City's 2020 Engineering Standards, which would ensure new roadways and infrastructure are designed to accommodate traffic and emergency response vehicles.

Wildland Fires

As identified in the Safety Element of the City General Plan, the site is not located in a moderate, high, or very high fire hazard severity zone. The project site and surrounding parcels do not contain wildlands, forests, or dense vegetation that would expose the project to wildfire risk. In addition, the project would be required to adhere to the 2013 CBC Chapter 7A Partial Requirements which requires certain construction materials and methods to minimize wildfire exposure hazards. These include Class A fire rated roof assemblies, flame and ember intrusion resistant vents, and non-combustible building side materials.

4.11.8 Hydrology and Water Quality

Potential Environmental Effects

- Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?
- Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Reasons Why Effects Were Not Found Significant

Water Quality Standards and Risk of Pollutant Release due to Inundation

The project is located adjacent to Acacia Creek. Construction activities, such as grading and soil movement, could impact water quality in the Creek from stormwater runoff or erosion. The project would be required to comply with all state and federal requirements pertaining to the preservation of water quality. A National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities is required when a project involves clearing, grading, disturbances to the ground (such as stockpiling), or excavation that would result in soil disturbances of one or more acres of total land area. Coverage under the General Permit must also be obtained prior to construction and the preferred project is subject to these requirements. Under the conditions of the General Permit, the developer would be required to eliminate or reduce non-storm water discharges to waters of the nation, develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project construction activities, and perform inspections of the storm water pollution prevention measures and control practices to ensure conformance with the site SWPPP. The General Permit prohibits the discharge of materials other than storm water discharges and prohibits all discharges that contain a hazardous substance in excess of reportable quantities established at 40 CFR 117.3 or 40 CFR 302.4. The General Permit also specifies that construction activities must meet all applicable provisions of Sections 30 and 402 of the Clean Water Act. Conformance with Section 402 of the Clean Water Act would ensure that the preferred project does not impact the adjacent Acacia Creek or violate any water quality standards or waste discharge requirements.

The project would be required to comply with the City's and RWQCB's Post-Construction Storm Water Management Requirements for Development Projects in the Central Coast Region (Resolution R3-2013-0032), which requires Central Coast municipalities to implement Post Construction Requirements to comply with the Statewide Phase II Municipal General Permit. The General Permit requires Municipal Separate Storm Sewer System (MS4s), which are stormwater/sewer systems are separate from sanitary sewers and not processed through a treatment plant, to develop and implement Best Management Practices (described in the City Municipal Code Section 12.08 – Stormwater Quality Ordinance) to reduce the discharge of pollutants and protect water quality. Required Best Management Practices (BMPs) control the volume, rate, and potential pollutant load of stormwater runoff from newly developed properties and roadway improvements. Based on compliance with these existing State and local regulations, the project would not violate any water quality standards or waste discharge requirements, or substantially degrade surface or groundwater quality, and potential water quality impacts would be less than significant.

Flooding

Elevations on the project site range from approximately 142 to 170 feet above mean sea level, generally sloping downwards towards Tank Farm Road. Due to the proximity and topography between the site and the nearest largest bodies of water, tsunami and seiche impacts would be less than significant. As identified in the City's Safety Element, the City is not located in a dam inundation area or Tsunami Inundation Zone. A portion of the project site is potentially susceptible to a 1 percent annual chance flood. However, the flood zone areas are confined to the eastern project site boundary along Acacia Creek, which is primarily limited to vegetation and walking trails. There would be no on-site uses which would lead to a significant release of pollutants in a flood event.

Groundwater

The project site is currently developed with vehicle parking and construction material storage. The City of San Luis Obispo no longer draws groundwater for potable purposes as of 2015. Potable water for future residential and non-residential uses developed under the proposed project would be served by the existing City's sewer and water systems. The project includes open space permeable vegetated areas, bioswales, and would use an existing on-site retention basin, which would aid in groundwater recharge. Approximately 20 percent of the site would be vegetated open space areas. Therefore, the project would not substantially deplete groundwater supplies and would not interfere with groundwater recharge.

Water Quality and Sustainable Groundwater Plans

The San Luis Obispo Groundwater Basin has been identified as a high priority basin under the Sustainable Groundwater Management Act (DWR 2019). A Groundwater Sustainability Plan is currently being developed for the Basin. The City of San Luis Obispo no longer draws groundwater for potable purposes as of 2015 and the project includes open space permeable vegetated areas, bioswales, and an existing on-site retention basin, which would aid in groundwater recharge. Therefore, the project would not deplete groundwater supplies or interfere substantially with groundwater recharge. The project would include storm water treatment and storage facilities and would comply with the City's and RWQCB's Post-Construction Storm Water Management Requirements for Development Projects. The project would not conflict with the Central Coastal Basin, a sustainable groundwater management plan, or other local or regional plans or policies intended to manage water quality or groundwater supplies.

4.11.9 Land Use and Planning

Potential Environmental Effects

- Would the project physically divide an established community?

Reasons Why Effects Were Not Found Significant

The project site is currently used for vehicle parking and construction material storage, which would be replaced by the proposed residential mixed-use development. Therefore, no residents would be displaced with the redevelopment of the site. The project would include widening Tank Farm Road along the project frontage and construction of a roundabout at the intersection of Tank Farm Road and Santa Fe Road. The transportation improvements would not separate or impact connections to different areas of the city and are planned improvements identified in the General Plan Circulation Element and shown in the Airport Area Specific Plan (AASP). The development and transportation improvements would not impact access to other adjacent properties or other areas of the city. Transportation improvements identified in the General Plan Circulation Element and AASP are intended to accommodate reasonably-anticipated growth in the City and AASP and would not induce new growth or physical divide an established community. In addition, the proposed service commercial zoning would be consistent with the surrounding land uses to the east and south. No project components would divide an established community, or place pressure on adjacent properties to induce future development.

4.11.10 Mineral Resources

Potential Environmental Effects

- Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Reasons Why Effects Were Not Found Significant

The project site is not within a designated mineral resource zone (Busch and Miller 2011). In addition, based on a review of the Department of Conservation's Division of Oil, Gas, and Geothermal Resources Well Finder, there are no oil or gas wells or fields on the project site (DOC 2019). The roundabout transportation improvements at the intersection of Tank Farm Road and Santa Fe Road and the widening Tank Farm Road along the project frontage include locations on undeveloped Chevron property to the west, but do not include any locations currently used for oil or gas wells or fields. The project does not propose the exploration or harvesting of oil or gas resources. Because there are no identified significant mineral resources in the project site vicinity, and the project does not propose exploration or mining, there would be no impact on available mineral resources.

4.11.11 Noise

Potential Environmental Effects

- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Reasons Why Effects Were Not Found Significant

The project site is within the City of San Luis Obispo AASP and also in the Planning Area of the Airport Land Use Plan (ALUP) for the San Luis Obispo County Regional Airport. Runway 11-29 of the San Luis Obispo County Regional Airport is located approximately 1,500 feet to the southwest of the project site. Existing noise levels on the project site were measured and future noise levels on the project site were estimated using predictive modeling in an Acoustical Analysis prepared by 45dB Acoustics in March 2020. As identified in the San Luis Obispo General Plan Noise Element, the project site is within the 55-61 dBA CNEL range of the airport sound level contours. However, more recent airport sound level contours reported by RS&H, Inc. (2015) in support of the updated ALUP are approximately 5 dB lower, under a scenario that excludes commercial services by narrow-body passenger aircraft such as Boeing 737s) (RS&H 2015). Under this updated forecast, the southwest corner of the project site is within the 55 CNEL noise contour and the remainder of the site is within the 50 CNEL contour. This forecast is in accordance with existing sound level measurements collected by 45dB Acoustics, LLC (refer to the Acoustical Analysis included with the Initial Study in Appendix A).

The applicant has consulted with staff and commissioners at the County's Airport Land Use Commission (ALUC) to determine the precise location of the most recent noise contours on the

project site. As a result of this consultation, the proposed commercial and mixed use portions of the project are located along the project frontages within the 55 dB CNEL noise contour; the apartment/stacked flat portion would be located in the middle of the project site within the 50 dB CNEL contour; and the townhome portion would be placed in the rear of the project site which is least affected by traffic and aircraft noise. Therefore, the project would not expose people residing or working in the project area to excessive noise levels from aircraft or other airport uses. In addition, existing traffic noise levels (primarily associated with traffic on Tank Farm Road) are approximately 68 dBA CNEL at the proposed mixed-use buildings facing Tank Farm Road, and approximately 54 dBA CNEL at the proposed residential building elevations closest to Tank Farm Road. Airport noise levels at the project site are lower than existing traffic noise levels, such that airport noise would not be the primary contributor to existing on-site noise levels (refer to the Acoustical Analysis included with the Initial Study in Appendix A).

4.11.12 Population and Housing

Potential Environmental Effects

- Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Reasons Why Effects Were Not Found Significant

Population Growth

Development under the proposed project would add up to 280 new housing units to the City. Using the most recent California Department of Finance population estimates, the City's average household size is 2.22. Therefore, the project could result in approximately 621 new residents to the City. Land Use Element Policy 1.11.2, *Residential Growth Rate*, states that the City shall manage the growth of the city's housing supply so that it does not exceed one percent per year on average based on thresholds established in Land Use Element Table 3. The thresholds are the approximate number of dwellings and residents which would result from the one percent maximum average annual growth rate over the planning period, which extends to 2035. According to Land Use Element Table 3, the anticipated number of housing units in the City in 2035 would be 25,762. According to the 2020 Draft Housing Element, the City's population is projected to grow to 50,659 by 2035 (City of San Luis Obispo 2020a).

The proposed project would result in an additional 280 housing units than currently anticipated by the AASP because of the proposed land use change. However, the project would be subject to the one percent population growth policy identified in the Land Use Element, Table 3, which states that the one percent growth rate can be averaged over five-year increments. According to the LUCE Update EIR, anticipated buildout of the adopted Land Use Element would only result in approximately 25,601 dwelling units, which would be less than the maximum number of residential units based on the one percent residential growth estimate (City of San Luis Obispo 2014a). Therefore, cumulatively, residential buildout in the City up to the year 2035 would not exceed 25,762 units (or 50,659 people). Therefore, while the project would induce growth within the City over existing land use, and specifically the area subject to the AASP, the effect would be less than

significant because this development, and future development, are subject to the annual one percent growth over five-year increments limitation.

The project would also include 12,500 square-feet of "Town Center" commercial-service/office space. Based on employment generation rates for retail uses from the San Luis Obispo Air Pollution Control District's (SLOAPCD) *CEQA Air Quality Handbook* (SLOAPCD 2012), the potential new commercial floor area under the proposed project would result in a net increase of approximately 17 new employees (1.39 employees per 1,000 feet). Although the project would generate new employees, these employees would be expected to come from the existing population in the City or region and would not contribute to new population growth. Overall, the proposed project would not result in the removal of an impediment to growth.

Housing

The project site does not contain housing units or persons on-site. Therefore, the project would not displace existing people or housing.

4.11.13 Public Services

Potential Environmental Effects

- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
  - Fire protection?
  - Police protection?
  - Schools?
  - Parks?
  - Other Public Facilities?

Reasons Why Effects Were Not Found Significant

Fire

The project site is within the existing service area of the SLOFD. The closest fire station to the project site is City Fire Station 3, located at 1280 Laurel Lane, approximately two miles northeast of the project site. New development would be subject to the SLOFD standards and California Fire Code in all proposed buildings, including installation of fire hydrants, building sprinklers, provision of adequate water supply and pressure, placement of fire extinguishers, provision of adequate fire access to buildings, and other requirements. The project site is within the southern City limits and would increase demand on SLOFD resources to outer areas of the City. The City's 2016 Fire Master Plan (FMP) plans for the construction of a new fire station in the southern area of the City to enhance suburban response times to all outer areas, including the AASP. Implementation of the project would not directly require the construction of a new fire station in the southern area of the City, as that demand already exists. The City's Capital Facilities Fee Program includes a Fire Impact Fee to pay for acquisition and construction of a Fire Station No. 5 in the southern area of the City; however, the potential environmental impacts of constructing such a facility are speculative,

because the final location and design of such a facility are uncertain. An independent environmental review would be conducted for any future fire station development. Future development under the proposed rezone would be required to pay the required Fire Impact Fees and contribute its fair share to the costs of funding City fire services in the southern area of the City prior to issuance of building permits. Therefore, the project would not result in adverse environmental impacts associated with the provision of new or physically altered fire protection facilities.

Police

The project site is within the existing service area of the SLOPD. The closest police station to the project site is located at 1042 Walnut Street, approximately 2.5 miles northwest of the project site. The project site is currently served by existing police services, and no new police facilities would be required to provide service. The project would be required to pay Police Impact Fees under the City's Capital Facilities Fee Program, which fund construction of new police facilities and purchase of new vehicles and equipment to maintain patrol service level standards as the City grows. The Capital Facilities Fee Program anticipates the future construction of a new Police Department Headquarters; however, the potential environmental impacts of constructing such a facility are speculative, because the final location and design of such a facility are uncertain. An independent environmental review would be conducted for any future police facility development at the time such facility is proposed. Future development under the proposed rezone would be required to pay the required Capital Facilities Fees and contribute its fair share to the cost of funding City police services prior to issuance of building permits. Therefore, the project would not result in adverse environmental impacts associated with the provision of new or physically altered police protection facilities.

Schools, Parks, and Other Public Facilities

The project site is located in the existing services area of the City's schools, parks, and other public facilities. The project would introduce new students to San Luis Coastal Unified School District (SLCUSD). Consistent with the requirements of Senate Bill 50, the project would be required to pay a school impact fee (Government Code Section 65970) to SLCUSD. SB 50 fees would be directed towards the maintenance of adequate school service levels, including increases in capacity. In addition, Sections 16.40.040 through 16.040.100 of the City Municipal Code require project applicants to pay parkland in-lieu fees to offset potential impacts on park facilities. Future development under the proposed project would include construction of new residential uses, which could increase the population of San Luis Obispo by approximately 621 persons using the most recent household size estimate of 2.22 by the California Department of Finance. However, this increase would not cause the City to exceed their one percent population growth policy and create unanticipated demand on other public service facilities. Since the project would not require the need of new or expanded school, park, or other public service facilities, the project would not result in adverse physical impacts.

4.11.14 Recreation

Potential Environmental Effects

- Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Reasons Why Effects Were Not Found Significant

The project would allow construction of up to 280 new residential units, which could increase the population of San Luis Obispo by approximately 621 persons. The project includes recreational opportunities in the northwest corner of the project site for residents, including a clubhouse building with a patio area, common areas, and open space. However, new residents would also use existing City recreational facilities and areas, including the nearby Damon-Garcia Sports Complex, which is available by reservation, and E.A. French Park, which is open to the public from dawn until dusk.

As required by Sections 16.40.040 through 16.040.100 of the City Municipal Code, project applicants are required to pay parkland in-lieu fees to help finance additional park space, maintenance or equipment in the vicinity, offsetting potential impacts on City recreational facilities. The payment of required parkland in-lieu fees would ensure potential park impacts would remain less than significant under CEQA. Therefore, the proposed project would not result in the deterioration of existing neighborhood or regional parks and would not result in the need for new recreational facilities, the development of which could cause an adverse environmental impact associated with the construction or expansion of recreational facilities.

4.11.15 Transportation

Potential Environmental Effects

- Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
- Would the project result in inadequate emergency access?

The proposed project's potential to increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment) is discussed in Section 4.6, Hazards, Hazardous Materials, and Safety. The discussion in Section 4.6 evaluates potential pedestrian safety impacts associated with the lack of existing multimodal facilities along Tank Farm Road west of the project site.

Prior to July 2020, most agencies in California, including the City of San Luis Obispo, have utilized level of service (LOS) as the primary metric for evaluating potential transportation impacts under CEQA. Level of service predominantly measures the amount of delay or congestion experienced by drivers at intersections and roadways, with a final score ranging from LOS A (free-flow conditions with little delay) to LOS F (heavy congestion with volume exceeding capacity). In 2013, the State of California passed Senate Bill (SB) 743, which mandates that jurisdictions can no longer use LOS or other measures of automobile delay/congestion to evaluate transportation impacts under CEQA. The State then issued guidelines identifying vehicles miles traveled (VMT), which measures the total amount of driving over a given area, as the primary metric to be used for CEQA analysis of transportation impacts, with these changes becoming mandatory on July 1, 2020. The City of San Luis Obispo formally adopted VMT impact thresholds in June of 2020, and these thresholds are applied within this EIR as the primary metric for evaluating potential project impacts under CEQA.

The City still requires evaluation of LOS and site access management to guide local circulation system planning and recommended conditions of approval for development projects; however, these analyses are considered outside of the CEQA process.

Detailed information on both CEQA (VMT, policy/policy consistency, safety) and non-CEQA (level of service, access management, etc.) analysis of the 600 Tank Farm development project is provided in the project's Multimodal Transportation Impact Study (TIS), which is included as Appendix B to this EIR. The recommendations of the TIS guide both the CEQA analysis for the project, as well as the City's final determination of transportation-related conditions of approval that would be required to support conformance with local policies outside of CEQA.

Reasons Why Effects Were Not Found Significant

Consistency with City Circulation Programs, Plans, Ordinances, and Policies

The project would implement planned transportation improvements in the City's Circulation Element by widening a portion of Tank Farm Road, constructing a section of the Santa Fe Road extension north of Tank Farm Road, constructing the planned roundabout at Tank Farm Road/Santa Fe Road, and providing associated bicycle and pedestrian connections on Tank Farm Road, Santa Fe Road and along Acacia Creek connecting to the Damon Garcia Sports Fields. Consistent with the City's Circulation Element, Active Transportation Plan and AASP, the project proposes to widen the westbound direction of Tank Farm Road along the project frontage to include a center turn lane and two westbound auto lanes, landscaped parkway, sidewalks, and a westbound sidewalk-level protected bike lane, which transitions to a shared-use pedestrian/bicycle path at the roundabout. The project would construct a roundabout on Tank Farm Road at the realigned Santa Fe Road intersection as well as an on-site shared-use pedestrian/bicycle path from the Santa Fe Road extension to the Damon-Garcia Sports Fields along Acacia Creek, as shown in Figure 2-7, Conceptual Illustration of the Santa Fe Road/Tank Farm Road Roundabout, in Section 2, Project Description.

The AASP identifies an interim plan for Santa Fe Road north of Tank Farm Road as a two-lane roadway, and a long-term ultimate plan for a four-lane cross section. The project would construct the interim configuration of the Santa Fe Road extension north of Tank Farm Road with one auto lane per direction, a center turn lane/median, northbound vertically separated protected bike lane, a southbound on-street striped bike lane, and a sidewalk on the east side fronting the project site. Sidewalks and a southbound protected bike lane on the west side of the street would be completed as a requirement of future development. The roadway would terminate with a temporary cul-de-sac. In the future, this terminus would be converted to a roundabout to provide a connection to the next phases of the Santa Fe Road extension north to Prado Road. It should be noted that the project's TIS (See Appendix B) confirmed that a two-lane configuration for Santa Fe Road would provide adequate capacity to accommodate the City's latest cumulative traffic forecasts with buildout of the current General Plan land use program; thus, the "interim" two-lane configuration on Santa Fe Road is expected to function acceptably for the foreseeable future.

The project proposes two full access driveways on the Santa Fe Road extension and one right-in/right-out driveway on Tank Farm Road. New driveways, on-site and off-site roadways would be constructed per City Engineering Standards and Access Management Policies. Additional pedestrian and bicycle access would be provided via the Damon-Garcia Sports Fields connection; however, it should be noted that the Damon-Garcia Sports Fields currently have limited hours of public access and access to the fields from this pedestrian/bicycle path may be restricted at certain times as determined by the City's Parks and Recreation Department. The closest transit stops would be

located on Broad Street near Industrial Way. An additional transit stop is planned in the near future at the northwest corner of the Tank Farm/Broad Street intersection as a requirement of a separate development project. The City's current Short Range Transit Plan (SRTP) does not identify plans to add transit service along Tank Farm Road or Santa Fe Road within the next five-year planning horizon, thus no new transit stops are proposed as part of the project. However, the project would be required to provide a fair share funding contribution towards a new transit stop to be installed by the City in the future when transit service is proposed for Tank Farm Road.

Consistent with the City's Circulation Element, after neighboring projects to the east are developed, additional pedestrian and bicycle access would be available via a bridge connection with the 650 Tank Farm Road property. Since sidewalks along the north side of Tank Farm Road will also be constructed with neighboring projects, a second pedestrian access route would ultimately be available via Tank Farm Road and the transit stops on Broad Street near Tank Farm Road would also serve the project. In addition, a signalized pedestrian crossing of Tank Farm Road is planned at the Tank Farm Road/Mindbody intersection in conjunction with the 650/660 Tank Farm Road developments. Finally, the project would provide a fair share funding contribution towards future circulation improvements within the project vicinity through participation in the Citywide Transportation Impact Fee program, which includes future widening of Tank Farm Road to a four-lane parkway arterial with a landscaped median and buffered bike lanes, capacity and pedestrian/bicycle crossing improvements at the Broad Street/Tank Farm Road intersection, extension of Prado Road between Broad and S. Higuera Street, and construction of the U.S. 101/Prado Road Interchange. Therefore, the proposed project would not conflict with applicable transportation plans including the City's Circulation Element, and this impact would be less than significant.

Vehicle Miles Travelled (VMT)

Consistent with the methodologies described in the City's 2020 Transportation Impact Study Guidelines (TISG), the City's Travel Demand Model (TDM) was used to estimate VMT with and without the project in the CEQA Transportation Impact Analysis included with the Initial Study in Appendix A to this EIR. In June 2020, the San Luis Obispo City Council adopted local VMT thresholds to be applied in analyzing transportation impacts of land use and transportation projects under CEQA. The TISG summarizes these thresholds and provides more detailed direction for evaluating a variety of project types. Table 4.11-1 summarizes the City's VMT impact thresholds, which were derived from the TDM to be 15 percent below baseline (existing baseline model scenario from the 2020 TDM) regional VMT.

Table 4.11-1 Vehicle Miles Traveled Thresholds of Significance

Project Type	Threshold
Residential	14.25 home-based VMT per capita[1]
Office/Industrial	12.45 home-based work VMT per employee[1]
Retail/Hotel/School/Redevelopment	Net increase in regional (County) VMT
Mixed-Use	Use dominant use or individual thresholds above as appropriate
Transportation Projects	Measurable and substantial increase in VMT

[1] Threshold calculated as 15 percent below baseline regional (County) VMT.

Source: City of San Luis Obispo 2020b.

Table 4.11-2 presents the regional VMT with and without the project, which was derived using the City's TDM, comparing existing scenario model projections for conditions with and without the proposed project. As shown in Table 4.11-2, addition of the project is projected to result in an overall decrease in overall regional VMT (all trip types) and regional residential VMT (home-based trips only).

Table 4.11-2 Vehicle Miles Traveled Summary

Scenario	Total Regional VMT[1]	Total Regional Residential VMT[1]	Project-Generated VMT per Capita
Baseline	8,488,043	4,267,998	–
Baseline + Project	8,481,574	4,260,917	7.7
Change from Baseline	-6,469	-7,081	–

[1] VMT values reflect total (all trip types) and residential (only home-based trips) daily miles driven within the SLO County region, as derived using the City's Travel Demand Forecasting Model (existing conditions model scenario).

Source: CCTC 2020.

RESIDENTIAL VMT

The project is located in an area identified in the City's TISG screening maps as having existing residential VMT per capita below 85 percent of the regional average, the City's impact threshold for residential projects. Project-generated traffic would produce 7.7 residential VMT per capita, below the City's residential VMT impact threshold of 14.25 VMT per capita. Per the City's adopted VMT thresholds, mixed-use projects are to be evaluated based on the VMT generated by each land use component, with the VMT threshold applied to the dominant use. The residential component of the project would produce 87 percent of the project's daily gross vehicular trips; as a result, the residential component is considered the dominant use, and the residential VMT threshold would be applied. Because the project's residential VMT per capita rate is well below the City's adopted threshold, the project would have a less than significant impact on VMT.

The City has a current jobs-to-housing ratio of roughly 2.5:1, which is considered relatively "jobs heavy," but not surprising because of the City's function as the primary employment center in the region. The current jobs-to-housing ratio results in longer commute trips – primarily by single-occupant automobile – for employees commuting into the City from outside communities. By increasing the number of housing units within the City, regional VMT is projected to experience a net decrease as more residents of the region are able to live within closer proximity of job centers and where there is greater access to a well-connected transit, pedestrian and bicycle network.

INDUCED DEMAND

Induced demand occurs when new roadway capacity induces additional vehicular travel. The Technical Advisory on Evaluating Transportation Impacts in CEQA prepared by the State Office of Planning and Research (OPR) notes that "if a project would likely lead to a measurable and substantial increase in vehicle travel, the lead agency should conduct an analysis assessing the amount of vehicle travel the project will induce" (OPR 2018). The City's TISG note that no standardized thresholds have been defined for induced travel impacts of capacity-increasing transportation projects and recommends a case-by-case evaluation.

Tank Farm Road. The project proposes to widen the westbound direction of Tank Farm Road along the project frontage to include a center turn lane and two westbound auto lanes, sidewalks, and a separated protected bike lane that transitions to a shared-use pedestrian/bicycle path at the Tank

Farm/Santa Fe roundabout. The widening would transition to tie back to the adjoining segment of Tank Farm Road to the west with a single westbound lane. The VMT results in Table 4.11-2 reflect the addition of the project including the proposed frontage widening and indicate that overall, the project would result in a net decrease in regional VMT. This widening along the project frontage would improve conditions for bicyclists and pedestrians and would have less than significant effect on VMT based on the City's VMT thresholds for transportation projects in Table 4.11-1.

Santa Fe Road. The City's Circulation Element plans a new commercial collector segment of Santa Fe Road north of Tank Farm Road, which will ultimately connect to the future Prado Road extension. The project proposes to provide project access by constructing the first segment north of Tank Farm Road in a two-lane configuration that is consistent with the interim configuration identified in the AASP, with modifications to enhance the bikeway by upgrading from on-street striped bike lanes, as envisioned in the AASP, to sidewalk-level protected bike lanes, consistent with the Active Transportation Plan. OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA notes that the addition of roadway capacity on local or collector streets is not expected to result in a substantial or measurable increase in vehicle travel provided the project also substantially improves conditions for pedestrians and bicyclists. The Santa Fe Road extension would provide bicycle and pedestrian facilities where none currently exist. In addition, the VMT results in Table 4.11-2 reflect the addition of the Santa Fe Road extension to be constructed as part of the project and indicates that overall, the project would result in a net decrease in regional VMT. For these reasons, the extension of Santa Fe Road to the north is not expected to substantially increase VMT based on the City's VMT thresholds and OPR guidance.

Overall, the project would produce VMT levels below the City's threshold and would be consistent with CEQA Guidelines section 15064.3(b).

Emergency Access

The project proposes three driveways: primary access via two full access driveways on Santa Fe Road, and secondary access via a right-in/right-out driveway on Tank Farm Road. An additional emergency vehicle access point will be provided with a new bridge over Acacia Creek connecting the 600 and 650 Tank Farm Road developments, which will allow access for bicycles, pedestrians and emergency vehicles only. This bridge is planned to be constructed by the 650 Tank Farm Road development and will include access control such as removable bollards or a fire gate to restrict non-emergency motor vehicle access to the satisfaction of the City Fire Department.

Final plans for future development on the project site would be subject to review and approval by the City of San Luis Obispo, and final plans for internal circulation and access would be required to adhere to the policies listed in the City's Engineering Standards, Subdivision Regulations, Active Transportation Plan and City Fire Department's 2015 Developer's Guide. Internal circulation, including ingress and egress would be required to accommodate emergency vehicles, consistent with applicable Fire Department standards. Since the proposed project would not result in on-site hazards or inadequate emergency access, and final plans for site access and internal circulation would require approval of City staff, including the Fire Department, this impact would be less than significant.

4.11.16 Utilities and Service Systems

Potential Environmental Effects

- Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Reasons Why Effects Were Not Found Significant

Solid waste would be generated during construction and removal of the existing on-site construction material storage. In accordance with 2019 California Green Building Standards, , potential future development under the proposed project would be required to divert a minimum of 65 percent of construction waste from landfills, which would reduce potential impacts to the Cold Canyon Landfill. The projected amount of waste generated from operation of the project is shown below in Table 4.11-3.

Table 4.11-3 Estimated Solid Waste Generation

Land Use	Size	Generation Factor[1]	Daily Total (lbs/day)	Annual Total (tons/year)
Residential Units (Multifamily)	280 du	8.6 lbs/du/day	2,408	439
Non-Residential Space[2]	12,500 sf	7.25 lbs/1,000 sf/day	91	17
Total			**2,499**	**456**

[1] CalRecycle Waste Generation Rates, available at https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates

[2] Assumes a 50% split between Commercial Retail (commercial-service/office space) and Office

Notes: lbs = pounds; sf = square feet; du = dwelling unit

As shown in Table 4.11-3, potential future development under the proposed project would generate approximately 2,499 pounds of solid waste per day. The project's incremental increase in solid waste (1.25 tons per day) would be within the maximum daily permitted capacities of Cold Canyon Landfill (1,650 tons per day). In addition, Cold Canyon Landfill has a remaining capacity of 13,000,000 cubic yards out of their maximum permitted capacity of 24,000,000 (CalRecycle 2020c). The proposed project would not generate solid waste which would cause Cold Canyon Landfill to exceed its remaining capacity. Therefore, the project would be served by entities with sufficient permitted capacity to accommodate the project's solid waste disposal needs and would not result in a substantial physical deterioration of public solid waste facilities.

4.11.17 Wildfire

Potential Environmental Effects

- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?
- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire

risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Reasons Why Effects Were Not Found Significant

As identified in the Safety Element of the City General Plan, the site is not located in a moderate, high, or very high fire hazard severity zone. The project site and surrounding parcels do not contain wildlands, forests, or dense vegetation that would expose people or structures to wildfire risk. In addition, the project would be required to adhere to the 2013 CBC Chapter 7A Partial Requirements which requires certain construction materials and methods to minimize wildfire exposure hazards. These include Class A fire rated roof assemblies, flame and ember intrusion resistant vents, and non-combustible building side materials.

5 Other CEQA Required Discussions

This section discusses other issues for which the California Environmental Quality Act (CEQA) requires analysis in addition to the specific issue areas discussed in Section 4, Environmental Impact Analysis, of this EIR. These additional issues include the potential to induce population growth and/or economic expansion; establishment of a precedent setting action; development or encroachment in an isolated or adjacent area of open space; removal of obstacles to growth; and significant and irreversible impacts on the environment.

5.1 Growth Inducement

Section 15126.2(d) of the CEQA Guidelines requires that EIRs discuss the potential for projects to induce population or economic growth, either directly or indirectly. CEQA also requires a discussion of ways in which a project may remove obstacles to growth.

Generally speaking, a project may be considered growth inducing if it results in one of the five conditions identified below:

1. Induces population growth.
2. Induces economic expansion.
3. Establishes a precedent setting action (e.g. an innovation, a radical change in zoning or general plan designation).
4. Results in development or encroachment in an isolated or adjacent area of open space (i.e. being distinct from “infill” development).
5. Removes an impediment to growth (e.g. the establishment of an essential public service or the provision of new access to an area).

Growth-inducing effects are not to be construed as necessarily beneficial, detrimental, or of little significance to the environment (State CEQA Guidelines, Section 15126.2[e]). This issue is presented to provide additional information on ways in which the project could contribute to significant changes in the environment beyond the direct consequences of developing the proposed project as described in earlier sections of this EIR.

5.1.1 Population Growth

As discussed in Section 2, *Project Description*, the proposed project would allow for up to 280 new townhome, single-family condominium, and mixed-use residential units and 12,500 square feet of of “Town Center” commercial-service/office space. Using the most recent California Department of Finance household size of 2.22, the project could result in approximately 621 new residents to the City. However, this is a conservative estimate as many of the units would be studio or one-bedroom and would be expected to result in fewer persons per household than the City average. When added to the city’s existing population of 46,802 (2020 Draft Housing Element), the city’s total population with the project would be 47,485 persons.

Land Use Element Policy 1.11.2, Residential Growth Rate, states that the City shall manage the growth of the city's housing supply so that it does not exceed one percent per year on average based on thresholds established in Land Use Element Table 3. The thresholds are the approximate

number of dwellings and residents which would result from the one percent maximum average annual growth rate over the planning period, which extends to 2035. According to Land Use Element Table 3, the anticipated number of housing units in the City in 2035 would be 25,762. According to the 2020 Draft Housing Element, the City's population is projected to grow to 57,200 by 2035 (City of San Luis Obispo 2020). The project would tie into existing water and sewer infrastructure along Tank Farm Road and would not require the construction of additional or oversized infrastructure. In addition, the City's water treatment plant is currently undergoing modifications to increase treatment capacity to accommodate wastewater flows in the City under full buildout of the General Plan.

The proposed project would result in an additional 280 housing units than currently anticipated by the Airport Area Specific Plan (AASP) because of the proposed land use change. However, development of the project site would be subject to the Land Use Element Residential Growth Rate Policy 1.11.2, which requires the City to manage the growth of the city's housing supply so that it does not exceed one percent growth rate per year on average. The Residential Growth Rate Policy 1.11.2 applies to new residential projects to ensure they do not exceed the thresholds established by Land Use Element. While the project would facilitate growth within the City over its existing land use, and specifically the area subject to the AASP, the effect would be less than significant from a growth-inducement perspective because the City's issuance of permits for the future residential development of the site would be subject to the City's annual one percent growth over five-year increments policy limitation.

Potential environmental impacts specific to increasing population are discussed in Section 4.11, *Impacts Addressed in the Initial Study*. Potential secondary environmental impacts associated with this population growth are analyzed throughout Sections 4.1 through 4.11 of this EIR.

5.1.2 Economic Growth

The project would also include 12,500 square-feet of "Town Center" commercial-service/office space. Based on employment generation rates for retail uses from the San Luis Obispo Air Pollution Control District's (SLOAPCD) CEQA Air Quality Handbook (SLOAPCD 2012), the potential new commercial floor area under the proposed project would result in a net increase of approximately 17 new employees (1.39 employees per 1,000 feet). Although the project would generate new employees, the majority of new employees would be expected to come from the existing population in the City or region and would not significantly contribute to new population growth.

5.1.3 Precedent Setting Action

The project site is included in the AASP area and is identified in the City's General Plan Land Use Element for future development. Development in the AASP is required to meet performance standards prescribed in the General Plan Land Use Element and AASP, including minimum and maximum density requirements. As described in Section 2, *Project Description*, the project includes a General Plan Map Amendment and AASP Amendment that would change the project site's land use designation from Business Park to Service Commercial, which would allow a mixed-use project providing up to 280 residential units and commercial-service/office uses defined in AASP Table 4.3. The project site was already identified for development in the General Plan and AASP and would provide needed housing options as detailed in the Project Objectives in Section 2, *Project Description*. The project would not exceed 280 residential units and would be a mixed-use project, consistent with the Service Commercial land use designation. Therefore, development of the project site would result in urban development anticipated in the General Plan Land Use Element and AASP.

The proposed project would require discretionary approvals from the City Council including the General Plan Map Amendment, rezone of the property, Specific Plan Amendment to the AASP, Minor Use Permit for a mixed-use project, Conceptual Site Plan, Major Development Review, development agreement, and environmental clearance and permitting. Approval of these entitlements would allow a final Development Plan (consistent with the requirements of the granted entitlements), including grading permits, improvement plans and building permits to be handled by the City as ministerial approvals. The AASP, as a long-term land use plan, is intended to reduce the potential for uncontrolled growth from specific development proposals and associated environmental impacts of such growth. While the project would change the site's land use designation from Business Park to Service Commercial, the project involves a mixed-use development on a site designated for urban development within the AASP and General Plan. As such, the project would focus development within already urban-designated areas, such that implementation of the project would reduce growth pressure. As detailed in Section 4.8, *Land Use and Planning*, the proposed Services and Manufacturing (SM) land use allows for residential development as a part of a mixed-use project. The project would not exceed the residential density allowed in the SM land use pursuant to the General Plan. In addition, the C-S-SP zone within the AASP also allows for mixed-use projects subject to the approval by the Planning Commission. The project would be reviewed by the Planning Commission and the City Council. Any growth inducement from the proposed actions would occur within what is envisioned for the site in the General Plan.

The project involves a mixed-use development on a site designated for urban development within the AASP and General Plan. As such, the project would focus development within already urban-designated areas, such that implementation of the project would reduce growth pressure and help meet the housing development numbers required by the State and City of San Luis Obispo Housing Element.

5.1.4 Development of Open Space/Vacant Land

Development of open space is considered growth-inducing when it occurs outside urban boundaries or in isolated locations instead of infill areas. The AASP is located at the southern edge of the City. However, the AASP is designated for urban development. Development of the site would occur in an area of the city bordered to the east by planned development and would consist primarily of new mixed-use residential uses (refer to Section 2, *Project Description*, Figure 2-4). As shown in the Conceptual Site Plan (refer to Figure 2-5 in Section 2, *Project Description*), the project includes some on-site recreational and outdoor uses. However, these recreational uses are intended only for residents on the project site and would not constitute new public open space that could be considered growth-inducing.

5.1.5 Removal of Obstacles to Growth

The project would not result in the removal of an impediment for growth within the City of San Luis Obispo, as adequate access and services are already available for the adjacent and surrounding areas in the city. The project site is surrounded by planned mixed-use development to the east, Damon Garcia-Sports Fields to the north, and undeveloped Chevron property to the west. The San Luis Obispo City Limit line follows the southern and western boundary of the project site and parallels the southern side of Tank Farm Road south of the project site (refer to Figure 3-4 in Section 2, Project Description). The project involves a mixed-use development on a site designated for urban development within the AASP and General Plan. As such, the project would focus

development within already urban-designated areas, such that implementation of the project would reduce growth pressure in undeveloped areas at the periphery of the city and in the adjacent San Luis Obispo County. In addition, the project would provide housing units, which would help meet the housing development numbers required by the State and City of San Luis Obispo Housing Element. This would be expected to reduce the potential for impacts relating to such issues as biological resources, regional traffic, and air quality as compared to development on lands beyond urban boundaries.

The project would not extend roads or other infrastructure beyond those necessary to accommodate the project and planned development in the southern portion of the City. The planned infrastructure improvements, including the widening of Tank Farm Road along the project frontage and roundabout at the intersection of Tank Farm Road and Santa Fe Road, are included in the City's list of Transportation Capital Projects in the General Plan Circulation Element and are identified in the AASP. Minor improvements to water, sewer, and drainage connection infrastructure would be needed, but would be sized to specifically serve the proposed project. No additional utility infrastructure or facilities beyond those necessary to accommodate the proposed project would be implemented. Therefore, the project would not expand infrastructure in a manner which would lead to unanticipated growth.

Overall, the project would not induce new development outside of the San Luis Obispo city limit, or otherwise remove any existing impediment to growth.

5.2 Significant Unavoidable Effects

CEQA Guidelines Section 15126(b) requires that an EIR identify those significant impacts that cannot be reduced to a less than significant level with the application of mitigation measures. The implications and reasons why the project is being proposed, notwithstanding, must be described.

As discussed in Section 4.5, Greenhouse Gas Emissions, and Section 4.6, Hazards and Hazardous Materials, implementation of the proposed project would result in significant, unavoidable impacts associated with the following issues:

- Annual greenhouse gas (GHG) emissions in exceedance of the 2020 CAP's efficiency threshold of 0.9 MT of CO_2e per service person per year for mixed-use projects; and
- Contribution to new pedestrian demand which would increase the existing identified pedestrian safety hazard along Tank Farm Road west of the project site.

5.3 Significant Irreversible Environmental Effects

CEQA Guidelines Section 15126.2(c) requires a discussion of any significant irreversible environmental changes which would be caused by the project should it be implemented. Such significant irreversible environmental changes may include the following:

- Use of non-renewable resources during the initial and continued phases of the project which would be irreversible because a large commitment of such resources makes removal or non-use unlikely.
- Primary impacts and, particularly secondary impacts (such as highway improvement which provides access to a previously inaccessible area) which generally commit future generations to similar uses.

- Irreversible damage which may result from environmental accidents associated with the project.

Urban development in the Specific Plan area would result in the permanent conversion of undeveloped to residential and non-residential uses. Development facilitated by the project would also require building materials and energy, some of which are non-renewable resources. Consumption of these resources would occur with any development in the region and are not unique to the project. The addition of new residential units and non-residential space would irreversibly increase local demand for non-renewable energy resources such as petroleum and natural gas. Increasingly efficient building fixtures and automobile engines, as well as implementation of policies included in the City's General Plan and AASP are expected to offset the demand to some degree. It is not anticipated that growth facilitated by the project would significantly affect local or regional energy supplies. Section 4.4, *Energy*, includes a full analysis of potential impacts related to energy resources by construction and operation of the proposed project.

Growth accommodated under the project would require an irreversible commitment of law enforcement, fire protection, water supply, wastewater treatment, and solid waste disposal services. These topics are discussed in Section 4.10, *Utilities and Service Systems*, and Section 4.11, *Impacts Addressed in the Initial Study*. Vehicle trips associated with the proposed project would incrementally contribute local traffic and noise levels and regional air pollutant emissions. These topics are discussed in Section 4.1, *Air Quality*, Section 4.5, Greenhouse Gas Emissions, Section 4.9, *Noise*, and Section 4.11, *Impacts Addressed in the Initial Study*. Impacts associated with GHG emissions and pedestrian safety were determined to be significant and unavoidable.

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6 Alternatives

6.1 Introduction

Section 15126.6 of the *CEQA Guidelines* provides guidance for the identification and evaluation of project alternatives in an Environmental Impact Report (EIR). The *CEQA Guidelines* state that an "EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." *CEQA Guidelines* Section 15126.6(a) also states that "an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project. Other alternatives can be considered but are not required to satisfy the requirements of CEQA.

In defining feasibility of alternatives, the *CEQA Guidelines* state that "among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site."

As required by Section 15126.6 of the *CEQA Guidelines*, this EIR examines a range of reasonable alternatives to the proposed residential mixed-use project (proposed project) that would attain most of the basic project objectives but would avoid or substantially lessen the significant project impacts. To assist the reader, the project objectives and significant unavoidable impacts associated with the project are shown below.

6.2 Project Objectives

The primary objectives of the project, as stated in Section 2, *Project Description*, are as follows:

1. Develop an economically feasible plan that is consistent with, and implements, policies within the City's General Plan and AASP.
2. Establish a complete internally and externally "linked" mixed use community with amenities such as neighborhood parks and commercial goods and services that can serve the neighborhood.
3. Provide a variety of housing opportunities for a wide range of socioeconomic groups and affordability levels, and at average unit sizes that are below current City averages.
4. Develop a Project with the maximum number of units permitted by the underlying zoning, approximately 280 residential units, with approximately 261,200 square feet of total residential floor space and 12,500 square feet of commercial floor space.
5. Develop the Acacia Creek frontage in a manner that provides that area as a Project amenity without jeopardizing the creek's biological resources or riparian qualities.

6. Implement the City-planned Tank Farm Road/Santa Fe Road (west) roundabout and infrastructure improvements to improve traffic flow and safety for all road users in a manner that does not exceed the level of impact fees generated on-site over the buildout of the project.
7. Provide a well-connected internal network of bicycle paths, pedestrian sidewalks, open space buffers, private parks, and spaces for recreational activities, including development of a shared-use bicycle/pedestrian path between Tank Farm Road and Damon-Garcia Sports Fields within the 35' creek setback, and protected bike lanes consistent with the Active Transportation Plan.
8. Provide City-identified roadway network improvements that meet current and long-term traffic projections with preference for non-vehicular traffic modes.
9. Market and orient the project to the surrounding employers to reduce vehicle miles travelled and to maximize the use of non-vehicular traffic modes.
10. Develop a project that complies with the safety, noise and overflight policies of the City's Airport Overlay Zone and the San Luis Obispo County Airport Land Use Plan.

6.3 Significant and Unavoidable Impacts

As described in Section 4 of this EIR, *Environmental Impact Analysis*, the project would result in significant unavoidable adverse impacts associated with greenhouse gas emissions (refer to Section 4.5, *Greenhouse Gas Emissions*) and pedestrian safety (refer to Section 4.6, *Hazards, Hazardous Materials, and Safety*) as detailed below:

- Annual greenhouse gas (GHG) emissions in exceedance of the 2020 CAP's efficiency threshold of 0.9 MT of CO_2e per service person per year for mixed-use projects; and
- Contribution to new pedestrian demand which would increase the existing identified pedestrian safety hazard along Tank Farm Road west of the project site.

6.4 Project Alternatives

This discussion focuses on alternatives to the project, including alternatives which were considered and rejected from further evaluation. Alternatives have been selected for their ability to substantially reduce or eliminate one or more of the adverse impacts associated with the project, while still meeting basic project objectives. This EIR also evaluates a No Project Alternative, consistent with the *CEQA Guidelines* (Section 15126.6[e]). The "no project" analysis discusses the continuation of existing conditions ("No Project, No Build"), as well as what would reasonably be expected to occur in the foreseeable future if the project is not approved, but future development may occur in accordance with what is allowed under the existing General Plan and Airport Area Specific Plan ("No Project, Existing Land Use Designation").

6.4.1 Alternatives Considered but Rejected from Further Evaluation

Section 15126.6(c) of the *CEQA Guidelines* requires that an EIR identify alternatives that were considered but rejected as infeasible and provide a brief explanation as to why such alternatives were not fully considered in the EIR. As required by the *CEQA Guidelines*, the selection of alternatives for this EIR included a screening process to determine a reasonable range of alternatives, which could reduce significant effects but also feasibly meet project objectives. Alternatives that do not clearly provide any environmental advantages compared to the project, do

not meet basic project objectives, or do not achieve overall lead agency policy goals, have been eliminated from further consideration. The factors that may be considered when addressing the feasibility of alternatives include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

CEQA Guidelines Section 15126.6(a) also states that "an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." Other alternatives may be considered but are not required to satisfy the requirements of CEQA.

For the project, characteristics used to reject alternatives from further consideration include:

- Failure to meet basic project objectives;
- Limited effectiveness in reducing project environmental impacts;
- Inconsistency with City policies;
- Potential for inconsistency with adopted agency plans and policies; and
- Reasonableness of the alternative when compared to other alternatives under consideration.

The following alternatives were considered but eliminated from further analysis by the City due to one or more of these factors.

Reduced Project Alternatives

As discussed in Section 4.5, *Greenhouse Gas Emissions*, the proposed project was found to be inconsistent with the goals of the City's 2020 Climate Action Plan (CAP) because the project is not consistent with the 2014 General Plan land use designation for the site (the project includes a Rezone and General Plan Amendment) and because the project's potential greenhouse gas (GHG) emissions would exceed the 2020 CAP's efficiency threshold of 0.9 MT CO_2e per service person per year for mixed-use projects. A range of Reduced Project Alternatives were considered to determine whether a reduction in the scale of the project would reduce the significant, unavoidable GHG impact. Specifically, 25%, 50%, and 75% Reduced Project Alternatives, each of which would involve similar components to the proposed project, but would proportionally reduce the overall scale of development on the 11.1-acre project site, were preliminarily reviewed for their potential to reduce GHG emissions relative to the goals of the 2020 CAP.

Table 6-1 shows the estimated total annual GHG emissions and efficiency of each of the reduced project alternatives compared to the proposed project and to the existing land use (Business Park). Each of these alternatives was found to reduce total annual GHG emissions compared to the proposed project, approximately in proportion with the reduced scale of development. However, the reduced project alternatives would also proportionally reduce the service population of the project in comparison to the proposed project. Efficiency is primarily a function of project land use type and location, rather than project size. As a result, each of the reduced project alternatives would continue to result in approximately 2.0 MT of CO_2e per service person per year, similar to the proposed project (refer to Table 4.5-3 in Section 4.5, *Greenhouse Gas Emissions*). None of the reduced project alternatives would reduce the project's per-service-population GHG emissions below the City's efficiency threshold of 0.9 MT of CO_2e per service person per year for mixed-use projects. As a result, a reduction in the scale of the project would not reduce the proposed project's

significant and unavoidable GHG impact to a less than significant level independent of any other changes to the type, location, or other GHG-reducing components of the project.

Table 6-1 Reduced Project Alternatives GHG Emissions

	Proposed Project[1]	25% Reduced	50% Reduced	75% Reduced	Buildout of the Existing Land Use Designation (Business Park)
Total Annual GHG Emissions (MT CO_2e per year)	1,183	887	591	296	694
Service Population[2]	622	467	311	156	244
Efficiency (MT CO_2e/SP per year)	1.9	1.9	1.9	1.9	2.8

[1] Detailed emissions inventory provided in Section 4.5, *Greenhouse Gas Emissions*.

[2] Service population (employees only for buildout of the existing Business Park land use designation) calculated using SLOAPCD CEQA Air Quality Guidelines employee generation rate for general office building (2.52 employees per 1,000 square feet).

Notes: Emissions modeling was completed using CalEEMod. See Appendix C and Appendix I for modeling results.

As shown in Table 6-1, the 25% Reduced Project Alternative would also result in total annual GHG emissions that would be higher than the estimated total annual emissions associated with potential development under the existing land use designation. The 50% Reduced Project Alternative and the 75% Reduced Project Alternative would result in lower total annual GHG emissions than the estimated total annual emissions associated with potential development under the existing land use designation. As a result, the 50% and 75% Reduced Project Alternatives would be consistent with the 2020 CAP criteria for projects to be less GHG-intensive than development anticipated for the existing General Plan land use designation for the site (refer to the City's 2020 CAP Appendix C: Greenhouse Gas Emissions Thresholds and Quantification Consistency Review for New Development). However, the reduced project alternatives are not assumed to implement additional project sustainability components consistent with the City's CEQA GHG Emissions Analysis Compliance Checklist (such as obtaining carbon-free electricity from Central Coast Community Energy rather than PG&E); therefore, these alternatives would not be consistent with the City's 2020 CAP. In addition, due to the reduced project size under the 50% and 75% Reduced Project Alternatives, these alternative would meet objectives 1, 2, 3, 4, 6, and 8 described in Section 2.6, Project Objectives, in Chapter 2, Project Description, of this EIR, to a lesser extent than the proposed project. As a result of these considerations, the 25%, 50%, and 75% Reduced Project Alternatives would not reduce the proposed project's significant and unavoidable GHG impact to a less than significant level independent of any other changes to the type, location, or other GHG-reducing components of the project. Therefore, these alternatives were considered and rejected, consistent with *CEQA Guidelines* Section 15126.6(c).

Alternative Project Locations

Relocation of the proposed project was considered as an alternative to constructing the proposed project on the subject property to reduce the significant, unavoidable pedestrian safety impact. Only locations that would avoid or substantially lessen any of the significant impacts of the project need be considered for inclusion in the EIR (State CEQA Guidelines, Section 15126.6[f][2][A]). Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, General Plan consistency, other

plans or regulatory limitations, jurisdictional boundaries, and whether the applicant can reasonably acquire, control, or otherwise have access to the alternative site (*State CEQA Guidelines*, Section 15126.6[f][1]). If it is determined that no feasible alternative locations exist, the EIR must disclose the reasons for this conclusion (State CEQA Guidelines, Section 15126.6[f][2][B]).

No alternative properties to undertake the proposed project are analyzed in this EIR. The proposed project involves development of a mixed-use residential project on the subject property. Although there are other properties in the City that could support a development similar to the proposed project, the project applicant does not own or control any other property within the City or in the vicinity of the project site that would be suitable for development of the project. Moreover, the project applicant cannot reasonably acquire or control an alternative property in a timely fashion that would allow for the implementation of a project with similar uses and square footage. In addition, development of the proposed project on an alternative property could potentially result in some environmental impacts that are greater than those of the proposed project's environmental impacts, depending on the proximity of the alternate property to environmental resources and/or sensitive uses. As a result of these considerations, this option was not included as an alternative in the analysis, consistent with *CEQA Guidelines* Section 15126.6(c).

6.4.2 Description of Alternatives Evaluated

As stated previously, CEQA requires analysis of a "No Project" Alternative. The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. According to *State CEQA Guidelines* Section 15126.6(e)(3)(C), the lead agency should analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved. Accordingly, this analysis considers the following three alternatives to the proposed project:

- Alternative 1: No Project (No Build) Alternative
- Alternative 2: No Project (Existing Land Use Designation – Business Park) Alternative
- Alternative 3: 2020 Climate Action Plan Consistent Alternative

The three alternatives are described below.

Alternative 1: No Project (No Build) Alternative

Alternative 1 assumes the project is not approved and none of the proposed components – including the General Plan Map Amendment, rezone, Specific Plan Amendment to the AASP, Minor Use Permit for a mixed-use project, Conceptual Site Plan, Major Development Review, and Development Agreement – would be implemented. This alternative assumes the project site is not developed with the proposed residential mixed-use project. Under this alternative, the project site would continue to be used for vehicle parking and construction material storage.

Alternative 2: No Project (Existing Land Use Designation – Business Park) Alternative

Alternative 2 assumes the project is not approved and envisions the potential buildout of the project site based on the property's existing land use designation. The project site is located within the Airport Area Specific Plan (AASP) and is currently designated Business Park (BP) with a small portion of the property within the Conservation Open Space (C/OS) zone delineating a portion of

Acacia Creek which is primarily located on the adjacent property to the east. The BP land use designation provides for research and development and light manufacturing in a campus setting. As identified in the AASP Land Use Program and Development Capacities Table 4-1, the Specific Plan assumes that estimated buildout in the BP designation would be based on a 0.21 floor area ratio (FAR). Therefore, the existing development potential of the 11.1-acre site is approximately 101,500 square feet of business park development.

Alternative 2 would meet objectives 1, 5, 6, 7, 8, and 10 described in Section 2.6, *Project Objectives*, in Chapter 2, *Project Description*, of this EIR, but would fail to meet objectives 2, 3, 4, and 9, which relate specifically to providing housing and/or mixed-use residential opportunities on the site.

Alternative 3: 2020 Climate Action Plan Consistent Alternative

Alternative 3 envisions development of similar land uses to the proposed project, but in a manner that would be consistent with the City's 2020 CAP. Consistency with the City's 2020 CAP would be achieved through two changes to the proposed project: reducing the scale of the project so it would be less GHG-intensive than development anticipated for the existing General Plan land use designation for the site and providing carbon-free electricity to on-site development through Central Coast Community Energy to ensure consistency with the City's CEQA GHG Emissions Analysis Compliance Checklist.

As described in Section 6.3 of the 2020 CAP, for projects that would result in a change in the General Plan land use designation, emissions anticipated for the existing General Plan land use designation must be calculated in conjunction with emissions for the proposed project to demonstrate whether the project would be more or less GHG-intensive than development anticipated for the existing General Plan land use designation for the site. As a result, achieving consistency with the 2020 Climate Action Plan would require reducing the scale of the project such that the estimated GHG emissions from this alternative would not exceed the estimated total annual emissions associated with potential development under the existing land use designation. As shown in Table 6-1, the 50% Reduced Project Alternative was found to result in approximately 591 MT CO_2e per year, in comparison to approximately 694 MT CO_2e per year from potential development under the existing land use designation and 1,183 MT CO_2e per year from the proposed project.

For projects that would result in less GHG-intensive development than anticipated for the existing General Plan land use designation for the site can use the City's CEQA GHG Emissions Analysis Compliance Checklist to demonstrate consistency with the 2020 CAP's GHG emissions reduction strategy, and if consistent, can tier from the existing programmatic environmental review contained in the adopted Initial Study-Negative Declaration (IS-ND) for the 2020 CAP. As a result, in addition to reducing the scale of this alternative, Alternative 3 would also provide carbon-free electricity through Central Coast Community Energy to ensure consistency with the with the City's CEQA GHG Emissions Analysis Compliance Checklist.

Incorporating the two changes to the proposed project described above, Alternative 3 would include similar entitlements to the proposed project, but the conceptual site plan would instead allow development of up to 120 high density residential units, 20 mixed-use units, 6,250 square feet of commercial-service/office space, and a 1,125-square foot clubhouse building on the 11.1-acre project site. Alternative 3 would also provide carbon-free electricity through Central Coast Community Energy. As discussed in detail in 6.5, *Impact Analysis*, reducing the scale of the project so it would be less GHG-intensive than development anticipated for the existing General Plan land use designation for the site and providing carbon-free electricity to on-site development through Central Coast Community Energy to ensure consistency with the with the City's CEQA GHG

Emissions Analysis Compliance Checklist would result in a project alternative that would be consistent with the City's 2020 CAP, and would reduce the project's significant and unavoidable GHG impact to a less than significant level.

Alternative 3 would meet the ten project objectives described in Section 2.6, *Project Objectives*, in Chapter 2, *Project Description*, of this EIR, but due to the reduced scale of the project, Alternative 3 would meet objectives 1, 2, 3, 4, 6, and 8 to a lesser extent than the proposed project.

6.5 Impact Analysis

A comparative analysis of the relative impacts of the proposed project and the three alternatives is provided in Sections 6.5.1, 6.5.2, and 6.5.3 below. This analysis focuses on environmental topics addressed in Sections 4.1 through 4.10 of the EIR. Based on the Initial Study and comments received during the NOP comment period, the City of San Luis Obispo determined that there was no substantial evidence that the project would cause or otherwise result in significant environmental effects for the resource areas described in Section 4.11, *Impacts Addressed in the Initial Study*. Similar to the proposed project, the three alternatives would not result in significant impacts associated with aesthetics, agricultural and forestry resources, geology and soils, mineral resources, population and housing, public services, recreation, transportation, or wildfire.

As discussed in Section 4, Environmental Impact Analysis, the project would be required to contribute its fair share toward off-site transportation improvements envisioned in the General Plan Circulation Element and shown in the AASP. These transportation improvements are included in the City's list of Transportation Capital Projects in the General Plan Circulation Element and are shown in the AASP. This discussion assumes that the required off-site transportation improvements for each of the evaluated alternatives would be similar to the proposed project. The potential environmental effects of the required off-site transportation improvements are discussed at a programmatic level in Section 4.1 through 4.10 of the EIR. Because the required transportation improvements and their potential environmental effects would not be expected to differ among the three alternatives, these improvements are not discussed further in this evaluation.

A comparison the environmental impacts from development of the proposed project and each of the three proposed alternatives in provided in Section 6.5.4.

6.5.1 Alternative 1: No Project (No Build) Alternative

Under this alternative, the project site would not be developed with a mixed-use residential development project and would continue to be used for vehicle parking and construction material storage. This alternative would not result in any increase in vehicle trips or truck trips to or from the project site above the small number of trips that occur under the existing use of the site for vehicle parking and construction material storage. This alternative would also not result in new uses that could increase criteria pollutant and GHG emissions, energy consumption, noise, solid waste generation, or water consumption. This alternative would not result in construction of new uses on the project site; therefore, this alternative would not result in impacts associated with biological resources, cultural and tribal cultural resources, hazards and hazardous materials, safety, or hydrology and water quality. Overall, the magnitude of potential impacts would be reduced in comparison to the impacts identified for the proposed project. This alternative would not trigger the need for any of the mitigation measures identified in this EIR. The No Project (No Build) Alternative would result in reduced physical environmental impacts when compared to the proposed project. However, this alternative would not fulfill any of the project objectives to develop the site with a

mixed-use community or other new housing opportunities, or to provide funding for City planned transportation infrastructure improvements.

6.5.2 Alternative 2: No Project (Existing Land Use Designation – Business Park) Alternative

Air Quality

Alternative 2 would develop the site based on the existing BP land use designation of the site. This alternative would not include residential units and would not increase population projections beyond growth forecast assumptions used in the SLOAPCD Clean Air Plan. Similar to the proposed project, Alternative 2 would be consistent with the Clean Air Plan's land use and transportation control measures and land use strategies. Therefore, Alternative 2 would be consistent with the SLOAPCD Clean Air Plan. Impacts related to conflict or obstruction with an air quality plan would be less than significant, similar to the proposed project.

Alternative 2 would require a similar amount of construction activity to the proposed project and would therefore generate a similar amount of construction emissions. Criteria pollutant emissions associated with this alternative were estimated using CalEEMod version 2016.3.2 (modeling outputs are included in Appendix I). Similar to the proposed project, construction of Alternative 2 would not exceed the 137 pounds per day or 2.5 tons per quarter SLOAPCD construction emissions thresholds for NO_X and ROG; or the 2.5 tons per quarter SLOAPCD construction emissions threshold for PM_{10}. Based on the emissions modeling prepared for Alternative 2 (Appendix I), which includes VMT estimates for the Business Park land use based on default trip generation values from the Institute of Transportation Engineers (ITE) *Trip Generation Manual 10th Edition*, this alternative would result in less project-generated traffic on area roadways. Similar to the proposed project, operation of Alternative 2 would not exceed the 25 pounds per day threshold for ROG and NO_X, the 550 pounds per day threshold for carbon monoxide (CO), the 25 pounds per day threshold for PM_{10}, the 25 tons per year threshold for ROG and NO_X, or the 25 tons per year threshold for PM_{10} operation emissions. Construction and operational air quality emissions for Alternative 2 would be reduced in comparison to the proposed project and would remain less than significant.

Similar to the proposed project, Alternative 2 would not result in the creation of new CO hotspots, and construction activities would not result in exceedances of DPM emission thresholds. However, as this alternative is located on the same project site as the proposed project, similar impacts related to San Joaquin Valley Fever and naturally-occurring asbestos could occur during project construction. Alternative 2 would be anticipated to require similar mitigation measures as the proposed project to reduce potential impacts related to San Joaquin Valley Fever and naturally-occurring asbestos (Mitigation Measures AQ-3(a) and AQ-3(b)). Similar to the proposed project, this mitigation would reduce these impacts to as less than significant level. Overall, as a result of the reduction in project-generated traffic on area roadways, air quality impacts under Alternative 2 would be less than the proposed project.

Biological Resources

Alternative 2 would be located on the same project site as the proposed project. The project site includes riparian habitat associated with Acacia Creek and the existing detention basin in the southeastern portion of the property, which include a sensitive natural community (vernal marsh), and a potential federal and/or state jurisdictional wetland feature. Field surveys conducted on the site in 2020 identified three special status plant species on site, and twelve special-status animal

species have the potential to occur on the site based on the presence of suitable habitat. Alternative 2 would result in a similar overall scale of development in comparison to the proposed project and would require a similar level of construction activity. Therefore, this alternative would result in similar impacts to sensitive natural communities and special status species in comparison to the proposed project and would still result in potential impacts to these biological resources. Alternative 2 would be required to implement similar mitigation measures as the proposed project (Mitigation Measures BIO-1[a] through BIO-1[j] and BIO-2[a] through BIO-2[e]) to reduce direct and indirect impacts to special status species and sensitive natural communities from project construction. These measures include pre-construction botanical and special-status species surveys, construction personnel training, best management construction practices, and ceasing of construction activities and coordination with the United States Fish and Wildlife Service and/or California Department of Fish and Game in the event special-status species are found during surveys and/or construction activities. With implementation of mitigation measures, impacts to sensitive natural communities and special-status species under Alternative 2 would be reduced to a less than significant level similar to the proposed project.

The project site has low suitability for wildlife movement due to the existing level of disturbance and human activity. Similar to the proposed project, Alternative 2 would not affect the movement of native fish because no project elements would directly affect the Acacia Creek channel. Alternative 2 would not impact wildlife movement on-site because the majority of the project site is substantially disturbed, ruderal habitat that does not provide quality movement habitat. Similar to the proposed project, increased human activity along the bicycle/pedestrian path and within the development area could reduce breeding bird activity in the creek setback area and riparian habitat. However, certain uses in a business park development could include more trucks, impervious surfaces, and intense uses than the proposed residential uses. Therefore, potential impacts to riparian wildlife movement could be increased under Alternative 2 but would remain less than significant. Although less than significant, overall biological resource impacts under Alternative 2 would be greater than the proposed project.

Cultural and Tribal Cultural Resources

Alternative 2 would be located on the same project site as the proposed project. No known archaeological, historical, or tribal cultural resources are located on the project site. However, there is a potential for unknown archaeological resources, historical resources, or cultural resources of Native American origin that could be considered tribal cultural resources to be encountered during construction. Alternative 2 would be required to implement similar mitigation as the proposed project to minimize potential impacts to previously undiscovered historic, archaeological, and tribal cultural resources. Mitigation Measure CUL-1(a) requires the preparation of a cultural resources monitoring plan by a qualified archaeologist. Mitigation Measure CUL-1(b) requires archaeological and Native American monitoring of ground disturbing construction activities within 200 feet of the top of bank of Acacia Creek. Mitigation Measure CUL-1(c) requires archaeological monitoring within 50 feet of nearby cultural features. Mitigation Measure CUL-1(d) requires that construction activities halt in the event of an unanticipated discovery until the find can be assessed by a qualified archaeologist, consistent with City of San Luis Obispo General Plan Policy COS 3.5.6. Mitigation Measure CUL-1(b) and Mitigation Measure CUL-1(c) also requires the appropriate treatment of the find to reduce impacts to the archaeological resource. Mitigation Measure CUL-2(a) requires consultation with local Native American tribes and implementation of a tribal cultural resource mitigation plan in the event that a tribal cultural resource is identified during construction. With

implementation of mitigation, impacts related to archaeological, historical, and tribal cultural resources would be less than significant and similar to the proposed project.

No human remains or prehistoric villages where human remains and/or cemeteries are known to exist within the project site. Similar to the proposed project, in the event of an unanticipated discovery of human remains, all construction activities would halt in the vicinity of the discovery and the County Coroner would be contacted immediately in compliance with the State of California Health and Safety Code Section 7050.5. Impacts related to human remains would be less than significant and similar to the proposed project. Overall, cultural and tribal cultural resource impacts under Alternative 2 would be similar to the proposed project.

Energy

Alternative 2 involves construction and operation of a business park development. As with the proposed project, construction contractors are assumed to maintain construction equipment and avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs. Table 6-2 summarizes Alternative 2's operational energy usage from electricity usage and fuel consumption and provides a comparison to the proposed project's operational energy usage. Operationally, the annual electricity demand of this alternative's built environment would be greater than the proposed project due to the difference in proposed land uses, but fuel consumption would be reduced in comparison to the proposed project due to the reduction in vehicle trips. Overall, operational energy usage would be lower under Alternative 2 in comparison to the proposed project. Similar to the proposed project, this alternative would include energy efficiency measures consistent with the City's Clean Energy Choice Program for New Buildings and would comply with all building design standards set in California Building Code (CBC) Title 24, which would include implementation of energy efficiency measures to minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. Therefore, impacts related to inefficient, wasteful, and unnecessary use of energy would be reduced in comparison to the proposed project and would remain less than significant.

Table 6-1 Annual Operational Energy Usage – Alternative 2

	Energy Consumption				
	Proposed Project		Alternative 2		Percent Change
Vehicle Trips					
Gasoline	128,998 gallons	14,162 MMBtu	64,725 gallons	7,106 MMBtu	-50%
Diesel	24,508 gallons	3,251 MMBtu	11,175 gallons	1,424 MMBtu	-56%
Built Environment					
Electricity	1,138,158 kWh	3,883 MMBtu	1,809,740 kWh	6,175 MMBtu	+59%
Natural Gas Usage	--	--	--	--	

kBtu = thousand British thermal units, MMBtu = million British thermal units, kWh = kilowatt-hours

See Appendix C and Appendix I for fleet mix, VMT, and electricity consumption factors and values.

Alternative 2 would comply with all applicable local and state measures, such as the City's Clean Energy Choice Program for New Buildings and Title 24 and would implement all required energy efficiency measures where applicable. Therefore, Alternative 2 would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Overall, energy impacts under Alternative 2 would be less than the proposed project.

Greenhouse Gas Emissions

Criteria pollutant emissions associated with Alternative 2 were estimated using CalEEMod version 2016.3.2 (modeling outputs are included in Appendix I). This alternative would result in reduced GHG emissions during construction and operation in comparison to the proposed project (refer to Table 6-3). While Alternative 2 would be consistent with the existing land use designation of the project site, this alternative would not implement project components consistent with the City's CEQA GHG Emissions Analysis Compliance Checklist (such as obtaining carbon-free electricity from Central Coast Community Energy rather than PG&E). Therefore, Alternative 2 is compared to the City's efficiency threshold for non-residential projects, which is 0.7 MT CO_2e per service population per year. As shown in Table 6-3, Alternative 2 would result in an efficiency of 2.8 MT CO_2e per service population per year (as compared to 1.9 MT CO_2e per service population per year under the proposed project), and would require additional reductions in GHG emissions through required mitigation to achieve the City's efficiency threshold. Therefore, Alternative 2 would not be consistent with the City's CAP and, for reasons similar to those detailed for the proposed project in Section 4.5, *Greenhouse Gas Emissions*, regarding the efficacy of proposed GHG mitigation measures, would have a significant and unavoidable GHG impact. This impact would be greater in comparison to the proposed project, due to the greater exceedance in the efficiency threshold than the proposed project. Overall, greenhouse gas impacts under Alternative 2 would be greater than the proposed project.

Table 6-2 Alternative 2 Combined Annual GHG Emissions

Emission Source	Annual Emissions (MT CO_2e per year)
Construction	24
Operational	
Area	<1
Energy[1]	101
Solid Waste	63
Water	31
Mobile (CO_2 and CH_4)	464
Mobile (NO_2)	11
Total Emissions	**694**
Alternative 2 Service Population[3]	244
Alternative 2 Efficiency	2.8
SLOAPCD Non-Residential Efficiency Threshold	0.7
Threshold Exceeded?	**Yes**
Proposed Project Estimated Emissions[2]	1,183

[1] Alternative 2 assumes the project would use electricity from PG&E, to provide a conservative analysis.

[2] Detailed emissions inventory provided in Section 4.5, *Greenhouse Gas Emissions*.

[3] Service population (employees only for Alternative 2) calculated using SLOAPCD CEQA Air Quality Guidelines employee generation rate for general office building (2.52 employees per 1,000 square feet).

Notes: Emissions modeling was completed using CalEEMod. See Appendix C and Appendix I for modeling results.

Hazards, Hazardous Materials, and Safety

Alternative 2 would be located on the same project site as the proposed project. There are no listed hazardous material sites/facilities or active clean ups identified on the site. In addition, soil vapor

concentrations from hydrocarbons were either not detected or below environmental screening levels. Alternative 2 is presumed to require similar roadway and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road, which would result in the need for Mitigation Measure HAZ-1(a) to address potential impacts to construction workers and/or the public associated with hazardous material exposure via direct contact or inhalation of dust particles during construction activity. Therefore, development under Alternative 2 would remain less than significant with mitigation, similar to the proposed project.

Similar to the proposed project, Alternative 2 would be located within Airport Safety Zone 6 identified in the 2021 Airport Land Use Plan (ALUP). Alternative 2 would be developed with Business Park uses that are consistent with the existing land use identified in the AASP, and would not include large public gathering areas, high-intensity lighting, or tall obstructing uses that could interfere with airport operations. Alternative 2 would differ from the proposed project in that it would not locate residential uses within Airport Safety Zone 6. However, because residential uses are not limited within Airport Safety Zone 6 by the 2021 ALUP, airport safety hazard impacts would be similar to the proposed project and would remain less than significant.

Internal circulation plans under Alternative 2 would be subject to review and approval by the City of San Luis Obispo and would be required to adhere to applicable guidelines in the City's Engineering Standards and its access management policies, similar to the proposed project. Alternative 2 would include a business park development, which would result in a smaller addition of new vehicle traffic on local roadways in comparison to the proposed project. Therefore, on-site and off-site vehicular transportation hazards would remain less than significant, similar to the proposed project.

The lack of pedestrian connectivity along Tank Farm Road between the project site and Innovation Way, the recently constructed collector street located approximately 4,700 feet to the west of the project site, would continue to present a contextually significant existing pedestrian safety hazard under Alternative 2. This alternative would develop a business park on the project site; however, Alternative 2 would still contribute to new pedestrian demand in a location without dedicated pedestrian facilities or controlled intersection crossings, which would be a potentially significant pedestrian safety impact. Mitigation Measure HAZ-3(a) and HAZ-3(b) would be required under Alternative 2. Similar to the proposed project, potential right-of-way constraints along Tank Farm Road would make the feasibility of mitigation at this location uncertain, resulting in a significant and unavoidable pedestrian safety impact at this location. Overall, hazards, hazardous materials, and safety impacts under Alternative 2 would be less than the proposed project.

Hydrology and Water Quality

Construction and operation of Alternative 2 would generate pollutants of concern that could enter stormwater. However, similar to the proposed project, Alternative 2 would be required to comply with NPDES and City requirements, including compliance with the Construction General Permit, Phase II MS4 Permit, *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region,* City Drainage Master Plan, and City storm water regulations. A SWPPP and Stormwater Control Plan would be required to be prepared for construction and operation of Alternative 2. These plans would detail the BMPs to be implemented to reduce stormwater flow and pollutants of concern in stormwater runoff from the project site. Similar to the proposed project, Alternative 2 would include bioretention areas, which would capture and retain stormwater prior to discharge to the existing retention basin in the southeast corner of the site. These stormwater features would be designed to attenuate the post-development and watershed peak flows and reduce pollutants of concern in stormwater runoff in compliance with City and Phase

II MS4 Permit requirements. Alternative 2 is presumed to require similar roadway and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road, which would result in the need for Mitigation Measure HWQ-1(a) to address drainage requirements associated with these improvements. Alternative 2 would not violate any water quality standards or waste discharge requirements, or substantially degrade surface or groundwater quality, and potential water quality impacts would be less than significant with mitigation, similar to the proposed project. With implementation of BMPs, impacts related to on- or off-site erosion or siltation, flooding, and additional sources of polluted runoff would be less than significant and similar to the proposed project.

Similar to the proposed project, Alternative 2 would not involve grading or placement of structures within Acacia Creek channel that could impede or redirect flood flows. Alternative 2 would be required to comply with City development regulations that specify the required setbacks for Acacia Creek. Due to the similar scale as the proposed project, Alternative 2 would likely require similar exceptions to the creek setbacks as the proposed project. However, as with the proposed project, a CLOMR and LOMR would be required to be processed through the City and FEMA to modify the floodplain maps to redefine the floodplain boundary and reflect the actual floodplain condition on the project site once the separate 650 Tank Farm Road Mixed-Use Project is constructed, which would decrease the limits of the 100-year floodplain on the project site. Additionally, similar to the proposed project, Alternative 2 would attenuate discharge to Acacia Creek in compliance with City requirements. Therefore, Alternative 2 would not substantially alter or increase flood flows or change the morphology of Acacia Creek downstream of the project site. For these reasons, impacts related to alteration of the existing drainage pattern in a manner that would impede or redirect flood flows would be less than significant, similar to the proposed project. Overall, hydrology and water quality impacts under Alternative 2 would be similar to the proposed project.

Land Use and Planning

Alternative 2 would maintain and develop the project site consistent with the existing BP land use designation. Because development under this alternative would not include residential uses, it would not help achieve General Plan goals related to providing mixed-use residential and commercial projects or improving walkability. However, Alternative 2 would be required to comply with all applicable General Plan and AASP goals and policies, including stormwater requirements, erosion control, creek setbacks, and participation in the City's Clean Energy Choice Program. Alternative 2 would be developed under existing development standards and would not impact scenic views as the project site is not within designated scenic vista. Therefore, Alternative 2 would be consistent with applicable General Plan policies that minimize environmental effects. Similar to the proposed project, the potential for conflicts with General Plan policies would be less than significant. While Alternative 2 would not involve a change in the land use designation, due to the proposed residential uses at the adjacent project site, business park uses on this site would be somewhat less compatible with adjacent residences than would residential uses planned under the proposed project. Nevertheless, this effect would be less than significant, a conclusion similar to the proposed project.

Alternative 2 is located on the same subject property as the proposed project and would not conflict with policies related to biological resources and creek corridors in the AASP, similar to the proposed project. Alternative 2 would result in new BP land uses rather than new residential development within Airport Safety Zone 6 identified by the 2021 ALUP and would not conflict with the ALUP. As a result, impacts associated with land use conflicts would be similar in comparison to the proposed

project and would remain less than significant. Overall, land use and planning impacts under Alternative 2 would be similar to the proposed project.

Noise

Temporary construction-related noise impacts would be similar for Alternative 2 compared to the proposed project due to the similar overall scale of buildout on the property compared to the proposed project. Sensitive residential receivers are located approximately 100 feet to 350 feet from the eastern boundary of the project site and would be exposed to similar levels of temporary construction noise. Similar to the proposed project, construction noise levels would exceed the City's long-term noise standard of 70 dBA. Adherence to the City's allowed hours of construction would protect residents from nighttime noise that could disturb people during normal sleeping hours; however, Alternative 2 would still result in a potentially significant impact from temporary increases in ambient noise, requiring Mitigation Measure N-1(a) and N-1(b) to reduce this impact to a less than significant level.

Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be required for Alternative 2; as a result, vibration levels for this alternative would be similar to the proposed project. Like the proposed project, maximum vibration levels from construction equipment at the nearest sensitive receivers would not exceed applicable standards and would not be expected to result in distinctly perceptible impacts for humans or structural to buildings. Therefore, temporary vibration impacts during construction would be less than significant, similar to the proposed project.

Due to the similar overall scale of development anticipated under Alternative 2 in comparison to the proposed project, this alternative would result in a similar permanent increase in on-site noise levels associated with on-site operations (primarily HVAC). Compared to the proposed project, Alternative 2 would result in less project-generated traffic on area roadways, reducing potential traffic noise impacts compared to the proposed project (Appendix I). Similar to the proposed project, operational noise impacts would be less than significant. However, Alternative 2 would result in overall reduced operational noise impacts when compared to the proposed project. Overall, noise impacts under Alternative 2 would be less than the proposed project.

Utilities and Service Systems

Alternative 2 involves construction and operation of a business park development, consistent with the property's existing land use designation. Therefore, water demand and wastewater generation associated with Alternative 2 is currently anticipated within the City's General Plan and AASP. The City's General Plan Water and Wastewater Management Element (WWME) Policy A 5.2.5 requires new development to pay its proportionate share of water supplies, expanded treatment, and distribution system capacity and WWME Policy B 2.2.3 requires new development to pay its proportionate or "fair share" of expanded water treatment and collection system capacity and upgrades. Assuming a similar square-footage development and using the commercial water demand factor of 0.06 AFY per 1,000 square feet for commercial land uses and 60 gpd per 1,000 square feet of commercial uses, Alternative 2 could have approximately 16 AFY in water demand and approximately 16,422 gpd in wastewater demand (San Luis Obispo 1999; San Luis Obispo 2019a). This would be a reduction in water and wastewater demand as compared to the proposed project. Compliance with the existing policies would ensure that impacts related to water supply and wastewater generation would result in less than significant impacts associated with water demand and wastewater generation.

Alternative 2 would connect to existing utility facilities (water, wastewater, electricity, and telecommunications) located along Tank Farm Road and would not result in a significant impact associated with a need for new or expanded water, wastewater, electricity or telecommunication facilities. Alternative 2 would be required to implement BMPs to attenuate the post-development and watershed peak flows in compliance with City and Phase II MS4 Permit requirements. Similar to the proposed project, Alternative 2 would include bioretention areas, which would capture and retain stormwater prior to discharge to the existing retention basin in the southeast corner of the site. Similar to the proposed project, with implementation of BMPs to attenuate flow, this alternative would result in less than significant impacts associated with the need for new stormwater drainage facilities. Overall, utilities and service system impacts under Alternative 2 would be less than the proposed project.

6.5.3 Alternative 3: 2020 Climate Action Plan Consistent Alternative

Air Quality

Alternative 3 would include 50% fewer residential units and would not increase population projections beyond the growth forecast assumptions used in the SLOAPCD Clean Air Plan. Similar to the proposed project, Alternative 3 would be consistent with the Clean Air Plan's land use and transportation control measures and land use strategies. Therefore, Alternative 3 would be consistent with the SLOAPCD Clean Air Plan. Impacts related to conflict or obstruction with an air quality plan would be less than significant, similar to the proposed project.

Alternative 3 would require less construction activity in comparison to the proposed project and would therefore generate reduced construction emissions. The reduction in total units would also reduce air quality emissions associated with operation of Alternative 3 as compared to the proposed project. Therefore, similar to the proposed project, construction of Alternative 3 would not exceed SLOAPCD construction or operation emissions thresholds. Construction and operational air quality emissions for Alternative 3 would be reduced in comparison to the proposed project and would remain less than significant.

Similar to the proposed project, Alternative 3 would not result in the creation of new CO hotspots, and construction activities would not result in exceedances of diesel particulate matter (DPM) emission thresholds. However, as this alternative is located on the same project site as the proposed project, similar impacts related to San Joaquin Valley Fever and naturally-occurring asbestos could occur during project construction. Alternative 3 would be anticipated to require similar mitigation measures as the proposed project to reduce potential impacts related to San Joaquin Valley Fever and naturally-occurring asbestos (Mitigation Measures AQ-3(a) and AQ-3(b)). Similar to the proposed project, this mitigation would reduce these impacts to a less than significant level. Overall, air quality impacts under Alternative 3 would be less than under the proposed project.

Biological Resources

Alternative 3 would be located on the same project site as the proposed project. The project site includes riparian habitat associated with Acacia Creek and the existing detention basin in the southeastern portion of the property, which include a sensitive natural community (vernal marsh), and a potential federal and/or state jurisdictional wetland feature. Field surveys conducted on the site in 2020 identified three special status plant species on site, and twelve special-status animal

species have the potential to occur on the site based on the presence of suitable habitat. Alternative 3 would reduce proposed project components – residential, parking, recreational, and commercial uses –by 50% compared to the proposed project, which may result in a reduced project disturbance footprint, and would require less construction activity than the proposed project. Alternative 3 would be required to comply with City development regulations that specify the required setbacks for Acacia Creek. Due to the reduced size of Alternative 3 compared to the proposed project, Alternative 3 would not require reductions in the 35-foot creek setback. Therefore, this alternative would result in reduced impacts to sensitive natural communities and special status species in comparison to the proposed project but would still result in potential impacts to these biological resources. Alternative 3 would be required to implement similar mitigation measures as the proposed project (Mitigation Measures BIO-1[a] through BIO-1[j] and BIO-2[a] through BIO-2[e]) to reduce direct and indirect impacts to special status species and sensitive natural communities from project construction. These measures include pre-construction botanical and special-status species surveys, construction personnel training, best management construction practices, and ceasing of construction activities and coordination with the United States Fish and Wildlife Service and/or California Department of Fish and Game in the event special-status species are found during surveys and/or construction activities. Impacts to sensitive natural communities and special-status species under Alternative 3 would be less than the proposed project, but with implementation of required mitigation impacts would be reduced to less than significant levels similar to the proposed project.

The project site has low suitability for wildlife movement due to the existing level of disturbance and human activity. Similar to the proposed project, Alternative 3 would not affect the movement of native fish because no project elements would directly affect the Acacia Creek channel. Alternative 3 would not impact wildlife movement on-site because the majority of the project site is substantially disturbed, ruderal habitat that does not provide quality movement habitat. Similar to the proposed project, increased human activity along the bicycle/pedestrian path and within the development area could reduce breeding bird activity in the creek setback area and riparian habitat. However, Alternative 3 would be required to comply with City development regulations for creek setbacks and would result in less development intensity and people on-site. Therefore, as with the proposed project, Alternative 3 could adversely affect the riparian wildlife movement corridor such that it could diminish wildlife movement, but at a lower level. Overall biological resource impacts would be less than under the proposed project.

Cultural and Tribal Cultural Resources

Alternative 3 would be located on the same project site as the proposed project. No known archaeological, historical, or tribal cultural resources are located on the project site. However, there is a potential for unknown archaeological resources, historical resources, or cultural resources of Native American origin that could be considered tribal cultural resources to be encountered during construction. Alternative 3 would reduce proposed project components – residential, parking, recreational, and commercial uses –by 50% compared to the proposed project, which may result in a reduced project disturbance footprint. Nonetheless, Alternative 3 would be required to implement similar mitigation as the proposed project to minimize potential impacts to previously undiscovered historic, archaeological, and tribal cultural resources. Mitigation Measure CUL-1(a) requires the preparation of a cultural resources monitoring plan by a qualified archaeologist. Mitigation Measure CUL-1(b) requires archaeological and Native American monitoring of ground disturbing construction activities within 200 feet of the top of bank of Acacia Creek. Mitigation Measure CUL-1(c) requires archaeological monitoring within 50 feet of nearby cultural features. Mitigation Measure CUL-1(d) requires that construction activities halt in the event of an unanticipated discovery until the find can

be assessed by a qualified archaeologist, consistent with City of San Luis Obispo General Plan Policy COS 3.5.6. Mitigation Measure CUL-1(b) and CUL-1(c) also requires the appropriate treatment of the find to reduce impacts to the archaeological resource. Mitigation Measure CUL-2(a) requires consultation with local Native American tribes and implementation of a tribal cultural resource mitigation plan in the event that a tribal cultural resource is identified during construction. With implementation of mitigation, impacts related to archaeological, historical, and tribal cultural resources would be less than significant and similar to the proposed project. However, smaller development footprint would lessen the potential impacts than under the proposed project.

No human remains or prehistoric villages where human remains and/or cemeteries are known to exist within the project site. Similar to the proposed project, in the event of an unanticipated discovery of human remains, all construction activities would halt in the vicinity of the discovery and the County Coroner would be contacted immediately in compliance with the State of California Health and Safety Code Section 7050.5. Impacts related to human remains would be less than significant and similar to the proposed project. Overall, cultural and tribal cultural resource impacts would be less than under the proposed project.

Energy

Alternative 3 would reduce proposed project components – residential, parking, recreational, and commercial uses –by 50% compared to the proposed project resulting in proportionally less energy consumption during construction and operation in comparison to the proposed project. As with the proposed project, construction contractors are assumed to maintain construction equipment and avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs. In addition, similar to the proposed project, this alternative would include energy efficiency measures consistent with the City's Clean Energy Choice Program for New Buildings and would comply with all building design standards set in California Building Code (CBC) Title 24, which would include implementation of energy efficiency measures to minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. Therefore, impacts related to inefficient, wasteful, and unnecessary use of energy would be reduced in comparison to the proposed project and would remain less than significant.

Alternative 3 would comply with all applicable local and state measures, such as the City's Clean Energy Choice Program for New Buildings and Title 24 and would implement all required energy efficiency measures where applicable. Therefore, Alternative 3 would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Overall, energy impacts would be less than under the proposed project.

Greenhouse Gas Emissions

Consistency with the City's 2020 CAP would be achieved through two changes to the proposed project: reducing the scale of the project so it would be less GHG-intensive than development anticipated for the existing General Plan land use designation for the site and providing carbon-free electricity to on-site development through Central Coast Community Energy to ensure consistency with the City's CEQA GHG Emissions Analysis Compliance Checklist.

Alternative 3 would include the same components as the proposed project, but the scale of each of the proposed project components – residential, parking, recreational, and commercial uses – would be reduced by 50% compared to the proposed project, resulting in reduced GHG emissions during

construction and operation in comparison to the proposed project.[1] Per Attachment C to the City's 2020 CAP, while Alternative 3 would change the existing land use designation of the project site, it would result in fewer emissions than buildout of the existing BP land use designation, as shown in Table 6-4.

In addition to reducing the scale of this alternative, Alternative 3 would also provide carbon-free electricity through Central Coast Community Energy to ensure consistency with the with the City's CEQA GHG Emissions Analysis Compliance Checklist. Reducing the scale of the project and ensuring consistency with the City's CEQA GHG Emissions Analysis Compliance Checklist would result in a project alternative that would be consistent with the City's 2020 CAP, and would reduce the project's significant and unavoidable GHG impact to a less than significant level.[2]

In addition, Alternative 3 would implement project components consistent with the City's CEQA GHG Emissions Analysis Compliance Checklist, resulting in compliance with the City's CAP, and reducing the proposed project's unavoidably significant GHG impact to less than significant. Overall, greenhouse has emission impacts would be less than under the proposed project.

Table 6-3 Alternative 3 Combined Annual GHG Emissions

Emission Source	Annual Emissions (MT CO_2e per year)
Construction	96
Operational	
Area	3
Energy[1]	0
Solid Waste	36
Water	15
Mobile (CO_2 and CH_4)	431
Mobile (NO_2)	10
Total Emissions	**591**
Existing Land Use Designation Estimated Emissions[2]	694
Proposed Project Estimated Emissions[3]	1,183

[1] Alternative 3 would use energy from Central Coast Community Energy, which provides carbon-free electricity.

[2] The project site is currently designated as business park land use. Assuming development of a business park on the project site consistent with this designation, the approximate emissions are provided. Note this estimate does not include amortized construction emissions. Also refer to Table 6-3.

[3] Detailed emissions inventory provided in Section 4.5, *Greenhouse Gas Emissions*.

Notes: Emissions modeling was completed using CalEEMod. See Appendix C and Appendix I for modeling results.

Hazards, Hazardous Materials, and Safety

Alternative 3 would be located on the same project site as the proposed project. There are no listed hazardous material sites/facilities or active clean ups identified on the site. In addition, soil vapor concentrations from hydrocarbons were either not detected or below environmental screening levels. Alternative 3 is presumed to require similar roadway and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road, which would result in the need for Mitigation

[1] Note that the efficiency of Alternative 3 (with 50% reduced project components) is approximately the same as the proposed project, as shown in Table 6-1.

[2] Note that a comparison to the GHG emissions analysis quantitative thresholds is not required to determine if Alternative 3 is consistent with the City's CAP because Alternative 3 would be consistent with the City's CEQA GHG Emissions Analysis Compliance Checklist.

Measure HAZ-1(a) to address potential impacts to construction workers and/or the public associated with hazardous material exposure via direct contact or inhalation of dust particles during construction activity. Therefore, development under Alternative 3 would remain less than significant with mitigation, similar to the proposed project.

Similar to the proposed project, Alternative 3 would be located approximately 1,600 feet north of San Luis Obispo County Regional Airport Runway 11-29 and within Airport Safety Zone 6 identified by the 2021 ALUP. Alternative 3 would include the same types of uses as the proposed project but reduced by 50%, and would not include large public gathering areas, high-intensity lighting, or tall obstructing uses that could interfere with airport operations. The ALUC would review any new development proposal/AASP Amendment on the project site and would be required to make a determination that development would be consistent with the ALUP for such development to proceed; because Alternative 3 is located on the same project site with the same uses as the proposed project, this analysis assumes the ALUC would also determine Alternative 3 is consistent with the ALUP. Therefore, similar to the proposed project, Alternative 3 would be consistent with policies in the ALUP, resulting in a less than significant impact, similar to the proposed project.

Internal circulation plans under Alternative 3 would be subject to review and approval by the City of San Luis Obispo and would be required to adhere to applicable guidelines in the City's Engineering Standards and its access management policies, similar to the proposed project. Alternative 3 would reduce proposed project components by 50% compared to the proposed project. Therefore, traffic added to local roadways would be less than the proposed project. On-site and off-site vehicular transportation hazards would remain less than significant, similar to the proposed project.

The lack of pedestrian connectivity along Tank Farm Road between the project site and Innovation Way to the west would continue to present a contextually significant existing pedestrian safety hazard under Alternative 3. This alternative would reduce on-site residential uses by 50% compared to the proposed project; however, Alternative 3 would still contribute to new pedestrian demand in a location without dedicated pedestrian facilities or controlled intersection crossings, which would be a potentially significant pedestrian safety impact. Mitigation Measure HAZ-1(a) and HAZ-1(b) would be required under Alternative 3. Similar to the proposed project, potential right-of-way constraints along Tank Farm Road would make the feasibility of mitigation at this location uncertain, resulting in a significant and unavoidable pedestrian safety impact at this location. While impacts would remain significant and unavoidable, due to the reduction in on-site residential uses and pedestrian demand, Alternative 3 would result in lesser impacts than under the proposed project.

Hydrology and Water Quality

Construction and operation of Alternative 3 would generate pollutants of concern that could enter stormwater. However, similar to the proposed project, Alternative 3 would be required to comply with National Pollutant Discharge Elimination Permit (NPDES) and City requirements, including compliance with the Construction General Permit, Phase II MS4 Permit, *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region,* City Drainage Master Plan, and City storm water regulations. A Stormwater Management Plan (SWPPP) and Stormwater Control Plan would be required to be prepared for construction and operation of Alternative 3. These plans would detail the Best Management Practices (BMPs) to be implemented to reduce stormwater flow and pollutants of concern in stormwater runoff from the project site. Similar to the proposed project, Alternative 3 would include bioretention areas, which would capture and retain stormwater prior to discharge to the existing retention basin in the southeast corner of the site. These stormwater features would be designed to attenuate the post-

development and watershed peak flows and reduce pollutants of concern in stormwater runoff in compliance with City and Phase II MS4 Permit requirements. Alternative 3 is presumed to require similar roadway and frontage improvements along Tank Farm Road and the future alignment of Santa Fe Road, which would result in the need for Mitigation Measure HWQ-1(a) to address drainage requirements associated with these improvements. Alternative 3 would not violate any water quality standards or waste discharge requirements, or substantially degrade surface or groundwater quality, and potential water quality impacts would be less than significant with mitigation, similar to the proposed project. With implementation of BMPs, impacts related to on- or off-site erosion or siltation, flooding, and additional sources of polluted runoff would be reduced in comparison to the proposed project and would remain less than significant.

Similar to the proposed project, Alternative 3 would not involve grading or placement of structures within Acacia Creek channel that could impede or redirect flood flows. Alternative 3 would be required to comply with City development regulations that specify the required setbacks for Acacia Creek. Due to the reduced size of Alternative 3 compared to the proposed project, Alternative 3 may not require exceptions to the setbacks for the proposed buildings. However, as with the proposed project, a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) would be required to be processed through the City and the Federal Emergency Management Agency (FEMA) to modify the floodplain maps to redefine the floodplain boundary and reflect the actual floodplain condition on the project site once the separate 650 Tank Farm Road Mixed-Use Project is constructed, which would decrease the limits of the 100-year floodplain on the project site. Additionally, similar to the proposed project, Alternative 3 would attenuate discharge to Acacia Creek in compliance with City requirements. Therefore, Alternative 3 would not substantially alter or increase flood flows or change the morphology of Acacia Creek downstream of the project site. For these reasons, impacts related to alteration of the existing drainage pattern in a manner that would impede or redirect flood flows would be reduced in comparison to the proposed project, and would remain less than significant. Overall, hydrology and water quality impacts would be less than under the proposed project.

Land Use and Planning

Similar to the proposed project, Alternative 3 would change the project site's land use designation from BP to Service Commercial with the Specific Plan overlay (C-S-SP), which allows for commercial-service/office uses as well as residential uses as part of a mixed-use project. Alternative 3 would reduce the number of residential units compared to the proposed project and would not exceed density of development allowed by the C-S-SP designation. Alternative 3 would provide the same uses and features as the proposed project; therefore, this alternative would be consistent with applicable General Plan policies intended to minimize environmental effects, such as walkability, growth management, and housing. Similar to the proposed project, the potential for conflicts with General Plan policies would be less than significant.

Alternative 3 would reduce project components – residential, parking, recreational, and commercial uses –by 50% compared to the proposed project and would not increase the development footprint or height from the proposed project. Alternative 3 would retain more space on the project site to maintain the Acacia Creek setback in AASP Policy 3.3.1 and would not impact open space views, similar to the proposed project; as a result, this alternative would not conflict with applicable AASP policies. The ALUC would review any new development proposal /AASP Amendment on the project site and would be required to make a determination that development would be consistent with the ALUP for such development to proceed; because Alternative 3 is located on the same project site

with the same uses as the proposed project, this analysis assumes the ALUC would also determine Alternative 3 is consistent with the ALUP. Therefore, similar to the proposed project, Alternative 3 would be consistent with policies in the AASP and ALUP. Overall, land use and planning impacts under Alternative 3 would be similar to the proposed project.

Noise

Temporary construction-related noise impacts would be reduced in duration with Alternative 3 due to the reduced amount of construction required compared to the proposed project. Sensitive residential receivers are located approximately 100 feet to 350 feet from the eastern boundary of the project site and would be exposed to the same levels, but shorter duration, of temporary construction noise. Similar to the proposed project, construction noise levels would exceed the City's long-term noise standard of 70 dBA. Adherence to the City's allowed hours of construction would protect residents from nighttime noise that could disturb people during normal sleeping hours; however, Alternative 3 would still result in a potentially significant impact from temporary increases in ambient noise, requiring Mitigation Measure N-1(a) and N-1(b) to reduce this impact to a less than significant level.

Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be required for Alternative 3. Vibration levels for Alternative 3 would be similar to the proposed project, but for less duration due to the reduced amount of construction anticipated. Like the proposed project, maximum vibration levels from construction equipment at the nearest sensitive receivers would not exceed applicable standards and would not be expected to result in distinctly perceptible impacts for humans or structural to buildings. Therefore, temporary vibration impacts during construction would be reduced in comparison to the proposed project and would remain less than significant.

Due to the reduced project size, Alternative 3 would result in a lower permanent increase in on-site noise levels associated with on-site operations (primarily HVAC). Alternative 3 would also result in less project-generated traffic on area roadways, reducing potential traffic noise impacts compared to the proposed project. Similar to the proposed project, operational noise impacts would be less than significant. However, Alternative 3 would result in overall reduced operational noise impacts when compared to the proposed project. Overall, noise impacts would be less than expected under the proposed project.

Utilities and Service Systems

Alternative 3 would reduce proposed project components – residential, parking, recreational, and commercial uses –by 50% compared to the proposed project resulting in proportionally less water demand and wastewater generation in comparison to the proposed project. Potential impacts to water supply and wastewater generation would be less than significant, similar to the proposed project.

Alternative 3 would connect to existing utility facilities (water, wastewater, electricity, and telecommunications) located along Tank Farm Road and would not result in a significant impact associated with a need for new or expanded water, wastewater, electricity or telecommunication facilities. Alternative 3 would be required to implement BMPs to attenuate the post-development and watershed peak flows in compliance with City and Phase II MS4 Permit requirements. Similar to the proposed project, this alternative would include bioretention areas, which would capture and retain stormwater prior to discharge to the existing retention basin in the southeast corner of the site. Similar to the proposed project, with implementation of BMPs to attenuate flow, this

alternative would result in less than significant impacts associated with the need for new stormwater drainage facilities. Overall, utility and service systems impacts would be less than expected under the proposed project.

6.5.4 Comparison of Alternatives

A comparison the environmental impacts from development of the proposed project and each of the three alternatives discussed in this section is provided in Table 6-5.

Table 6-4 Comparison of Environmental Impacts

	Impact Classification			
Environmental Issue	**Proposed Project**	**Alternative 1**	**Alternative 2**	**Alternative 3**
Air Quality				
Conflict or obstruction of implementation of an air quality plan	Less than Significant	- No Impact	= Less than Significant	= Less than Significant
Cumulatively considerable net increase of any criteria pollutant during construction	Less than Significant	- No Impact	= Less than Significant	- Less than Significant
Cumulatively considerable net increase of any criteria pollutant during operation	Less than Significant	- No Impact	- Less than Significant	- Less than Significant
Exposure of sensitive receptors for substantial pollutant emissions	Less than Significant with Mitigation	- No Impact	= Less than Significant with Mitigation	= Less than Significant with Mitigation
Biological Resources				
Impacts to special status plant and animal species	Less than Significant with Mitigation	- No Impact	= Less than Significant with Mitigation	- Less than Significant with Mitigation
Impacts related to riparian habitat, sensitive natural communities, trees, wildlife movement, and special status plants	Less than Significant with Mitigation	- No Impact	= Less than Significant with Mitigation	- Less than Significant with Mitigation
Impacts to native resident or migratory wildlife corridors	Less than Significant with Mitigation	- No Impact	+ Less than Significant	= Less than Significant
Cultural and Tribal Cultural Resources				
Impacts to historic and archaeological resources during construction	Less than Significant with Mitigation	- No Impact	= Less than Significant with Mitigation	- Less than Significant with Mitigation
Impacts to tribal cultural resources during construction	Less than Significant with Mitigation	- No Impact	= Less than Significant with Mitigation	- Less than Significant with Mitigation

	Impact Classification			
Environmental Issue	**Proposed Project**	**Alternative 1**	**Alternative 2**	**Alternative 3**
Energy				
Wasteful or unnecessary energy consumption	Less than Significant	- No Impact	- Less than Significant	- Less than Significant
Conflict or obstruction of renewable energy or energy efficiency plan	Less than Significant	- No Impact	- Less than Significant	- Less than Significant
Greenhouse Gas Emission				
Generation of GHG emissions that would have a significant impact on the environment	Significant and Unavoidable	- No Impact	+ Significant and Unavoidable	- Less than Significant
Conflict with a plan, policy, or regulation adopted for the purpose of reducing GHG emissions	Significant and Unavoidable	- No Impact	+ Significant and Unavoidable	- Less than Significant
Hazards, Hazardous Materials, and Safety				
Hazard to the public or environment from a project located on a hazardous materials site compiled pursuant to Government Code Section 65962.5	Less than Significant	- No Impact	= Less than Significant with Mitigation	= Less than Significant with Mitigation
Airport safety hazard	Less than Significant	- No Impact	= Less than Significant	= Less than Significant
Hazard due to geometric design feature or incompatible use.	Significant and Unavoidable	- No Impact	- Significant and Unavoidable	- Significant and Unavoidable
Hydrology and Water Quality				
Creation or contribution to on- or off-site erosion or siltation, flooding, and additional sources of polluted runoff	Less than Significant	- No Impact	= Less than Significant with Mitigation	- Less than Significant with Mitigation
Impediment or redirection of flood flows	Less than Significant	- No Impact	= Less than Significant	- Less than Significant

Environmental Issue	Impact Classification			
	Proposed Project	Alternative 1	Alternative 2	Alternative 3
Land Use and Planning				
Conflict with a land use plan	Less than Significant	- No Impact	= Less than Significant	= Less than Significant
Noise				
Construction noise impacts	Less than Significant with Mitigation	- No Impact	- Less than Significant with Mitigation	- Less than Significant with Mitigation
Operational on-site noise	Less than Significant	- No Impact	= Less than Significant	- Less than Significant
Operational traffic noise	Less than Significant	- No Impact	- Less than Significant	- Less than Significant
Construction vibration impacts	Less than Significant	- No Impact	- Less than Significant	- Less than Significant
Utilities and Service Systems				
Impacts related to water supply capacity	Less than Significant with Mitigation	- No Impact	- Less than Significant	- Less than Significant
Impacts related to wastewater treatment capacity	Less than Significant with Mitigation	- No Impact	- Less than Significant	- Less than Significant
Impacts to water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities and supplies	Less than Significant Impact	- No Impact	= Less than Significant	= Less than Significant

+ Increased level of impact compared to the proposed project

- Reduced level of impact compared to the proposed project

= Similar level of impact to the proposed project

6.6 Environmentally Superior Alternative

CEQA requires the identification of an Environmentally Superior Alternative among the alternatives evaluated in an EIR. *State CEQA Guidelines* Section 15126.6(e)(2) provides that, if the No Project/No Build Alternative is the Environmentally Superior Alternative, then the EIR shall also identify an Environmentally Superior Alternative among the other alternatives.

This discussion identifies the environmentally superior alternative by assessing the degree to which each alternative avoids significant and unavoidable environmental impacts and reduces other potentially significant environmental impact. In some cases, an alternative may avoid one or more significant and/or unavoidable impacts identified for the proposed project but may introduce one or more new significant impacts. Therefore, selection of the Environmentally Superior Alternative requires an overall assessment of the changes in the number and type of significant impacts.

The *CEQA Guidelines* do not define a specific methodology for determining the Environmentally Superior Alternative. For the purposes of this analysis, the project alternatives have been compared within each issue area to the proposed project, and a determination has been made as to whether the alternative would reduce or increase the severity of each impact in comparison to the proposed project. Table 6-5 indicates whether each alternative's environmental impact is greater than, less than, or similar to that of the proposed project for each of the issue areas studied. For the purpose of this EIR, the analysis assumes that each impact is equally weighted. Decision makers and the community in general may choose to emphasize one issue or another, which could lead to differing conclusions regarding environmental superiority. If the No Project Alternative is identified as the Environmentally Superior Alternative for a given issue area, the development scenario among the remaining alternatives that results in the lowest environmental impact is noted, in accordance with CEQA.

The No Project (No Build) Alternative (Alternative 1) would result in the fewest adverse environmental effects. However, since this is a "No Project" alternative, CEQA requires that a separate alternative also be identified as the Environmentally Superior Alternative. Based on the alternatives analysis provided in Table 6-5, Alternative 3, 2020 Climate Action Plan Consistent Alternative, would be the environmentally superior alternative.

Alternative 3 would result in the reduced environmental impacts in comparison to the proposed project. Alternative 3 would result in a reduced magnitude of impacts related to air quality, biological resources, cultural and tribal cultural resources, hazards, noise, and utilities, even though the mitigation requirements would be the same as for the proposed project. Alternative 3 would also reduce the project's significant and unavoidable GHG impacts to a less than significant level. The project's significant and unavoidable pedestrian safety impact would remain significant and unavoidable under Alternative 3, but the magnitude of the impact would be somewhat reduced. Additionally, Alternative 3 would meet all of the project objectives, but to a lesser extent than the proposed project because of the 50% reduction in new housing units and overall reduced scale of the project. Accordingly, it is determined that Alternative 3 is the Environmentally Superior Alternative because it would result in reduced environmental impacts compared to the proposed project.

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7.2 List of Preparers

This EIR was prepared by the City of San Luis Obispo, with the assistance of Rincon Consultants, Inc. Consultant staff involved in the preparation of the EIR are listed below.

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