

# Response to Comments on the Draft IS-MND

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## 1 Introduction

### 1.1 Purpose of the Response to Comments on the Draft IS-MND

This document has been prepared to respond to comments received on the Draft Initial Study-Mitigated Negative Declaration (Draft IS-MND) prepared for the proposed 650 Tank Farm Road Mixed-Use Project. The Draft IS-MND identifies the likely environmental consequences associated with development of the project, and recommends mitigation measures to reduce potentially significant impacts. This document provides a response to comments received on the Draft IS-MND by the lead agency and makes revisions to the Draft IS-MND, as necessary, in response to those comments or to make clarifications to material in the Draft IS-MND. This document, together with the Draft IS-MND, constitutes the Final IS-MND for the project.

### 1.2 Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft IS-MND.

The Draft IS-MND was circulated for a 35-day public review period that began on November 30, 2018 and ended on January 4, 2019. The Notice of Availability and Intent to Adopt a Mitigated Negative Declaration was posted in a local newspaper and sent to local and state agencies, as well as interested parties. The Draft IS-MND was posted electronically on the City's website, and a paper copy was available for public review at the City of San Luis Obispo Community Development Department.

The City received three comment letters on the Draft IS-MND. Copies of written comments received during the comment period are included in Section 2 of this document.

### 1.3 Document Organization

This Response to Comments (RTC) Document consists of the following sections:

- **Section 1: Introduction.** This section discusses the purpose and organization of this RTC Document and the Final IS-MND, and summarizes the environmental review process for the project.
- **Section 2: Comments and Responses.** This section contains reproductions of the comment letters received on the Draft IS-MND. A written response for each comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Section 3: Draft IS-MND Revisions.** Revisions to the Draft IS-MND that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft IS-MND, are shown in this section. Underlined text represents language that has been added to the Draft IS-MND; text with ~~strikeout~~ has been deleted from the Draft IS-MND.

## 2 Comments and Responses

This section includes comments received during the circulation of the Draft IS-MND for the 650 Tank Farm Road Mixed-Use Project.

The City of San Luis Obispo received three comment letters on the Draft IS-MND during the public comment period. The commenters and the page number on which each commenter’s letter appear are listed below.

Letter No. and Commenter	Page No.
1 John McKenzie, City of San Luis Obispo Planning Commission	3
2 Jenna Schudson, California Department of Transportation	8
3 Nicholas Whipps and Ashley McCarroll, Wittwer Parkin LLP	12

The comment letters and responses follow in Section 2. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 2-1, for example, indicates that the response is for the first issue raised in Letter 2). All revisions are then compiled in the order in which they would appear in the Draft IS-MND (by page number) in Section 3, Text Revisions, of this document.

Letter 1

**From:** John McKenzie [redacted]  
**Sent:** Thursday, December 6, 2018 10:35 AM  
**To:** Cohen, Rachel [redacted]; Fowler, Xzandrea [redacted]  
**Subject:** 650 Tank Farm

Hi Rachel and Xzandrea,

I have reviewed the staff report and ND for 650 Broad and I have the following questions/concerns:

General comments

Creek setback – the Conceptual Plan graphic does not seem to correspond with the bio report’s creek alignment, nor the riparian/wetland boundaries and corresponding setbacks for Acacia Creek. This would appear to potentially affect the proposed design. The bio report also does not seem to show it reviewed the current conceptual design, its impacts or propose project specific mitigation. The ND mentions the City’s 35-foot setback policy but then seems to rely exclusively on the inaccurate conceptual plan and not the bio report information. There also does not seem to be discussion of the crossing of Acacia creek, nor the amount of associated temporary or permanent disturbance. What about proposing the removal of the non-native eucalyptus trees as a part of the riparian habitat restoration efforts (if left, they will create an ongoing hindrance to riparian/wetland areas)? There is no discussion about any of the proposed landscaping near the creek and if it is compatible with the riparian/wetland habitat. There should be a condition that states all landscaping/plantings will be compatible with and non-intrusive to riparian and wetland habitats. There are no measures that require implementation of any approved plans, nor any COA that requires verification of successful restoration efforts.

1

Noise

The Noise report considered a somewhat different layout of buildings than what is currently proposed. As building size and layouts are likely to change when the final design is proposed/reviewed, the noise sensitive area should be referenced to known elements, such as the centerline of existing road with a specified distance and not with elements that could easily change.

2

Parking Reduction

In reviewing the staff report, I found no information on which to base the requested 23% parking reduction. Where can I find this analysis? I am also wondering if the new parking standards are in place and if the request is based on the new calcs?

3

COA/Mitigation Measure comments

1. With regards to AQ-1, as worded, it is unclear if the four required measures to choose from are in addition to the list provided, or if the list is to be used to make the selection.
2. With regards to Bio-1(c) Restoration Plan, I did not see any provisions that require this Plan to be implemented – some reference should be made to require the approved Plan be installed. Also given the difficulty of successfully reestablishing certain special status species plants, there should be a performance standard to verify long-term success to the City.
3. On Bio-2(a), 3<sup>rd</sup> bullet - Why not require that vehicle refueling and maintenance be further than 50 feet from waterways or known riparian- wetland areas, especially for Acacia Creek and the wetlands area?
4. On Bio-2(f) – the raptor nesting period is commonly earlier than Feb. 1 (At least 1/1 might be a better time to reference, but some raptors are known to nest in the Fall); given nesting could be high up on the tall eucalyptus, can the vertical element be factored in, where maybe the 300ft distance is measured ‘line of site’ from the nest location? Either way it would help to define how active nest distance measurements will be done. How will new active nests that are established

4



after the survey be addressed? Suggest also that a preventive worker's education program be required to make sure that material/equipment storage and all other construction areas are managed in a way to keep birds from establishing active nests during construction. It only takes 1-2 days to establish an active nest.

5. On Bio 3, there should be a statement that the applicant will implement the Plan and the City will verify its successful implementation.
6. On CR-2(b), since nothing was found during the Phase 1 report, this measure should be deleted with some elements added to CR-2(c) (e.g., if resources encountered during grading, this would trigger an extended Phase 1 and possibly Phase 2 work before construction can continue near affected area). Even though creeks are generally more sensitive areas, it seems that this low-laying area would not likely have had much, if any, permanent Native American occupation.
7. On CR-3, since the report identifies that the Pleistocene sediments are at least 6 feet down, there does not appear to be the need for any paleo work until that depth is achieved. Therefore, it appears that a 6' grading depth qualifier to trigger the paleo work should be added?
8. On N-1, the 'Tank Farm- facing' building trigger is vague with potential unintended consequences. and should be replaced with a specified distance from Tank Farm (centerline would be cleanest) as the trigger for noise conditions. The east and west ends of the outer buildings should also be given some consideration. Further, the 3 buildings on Tank Farm in the conceptual plan do a reasonably good job to attenuate the noise – however, if there are larger gaps between buildings in a final design, loud noise could 'leak through to the second layer of buildings. The noise study graphics should be used to determine distance and replace the vague reference to the first row of buildings; and, some general design guidance should be added that the first row of buildings will in effect create a 'solid wall' with minimal space allowed between structures.
9. N-2(a) Since there is only 1 house in the vicinity in a non-residential zone, these measures seem excessive for normal construction during regular hours. Can we not rely on complaints received and have the Planning Director determine if additional measures are appropriate to address the complaint should there be one? Suggest deleting all except recognition of Noise Element limitations on hours of construction operation.
10. Figure 3 in ND (and elsewhere in staff report) shows Tank Farm access is not aligned with Mind/Body access – based on no off-set discussion and COA provision to align with MindBody intersection, it appears this graphic should be amended to reflect intersection alignment.
11. Transportation – is widening of Acacia Creek bridge proposed at Tank Farm? – It is not clear and should be mentioned (I did see the potential for a roundabout at Santa Fe).

Let me know if you will be making changes to address these items or if I should be bringing them up at the hearing. Thank you.

John McKenzie

## Letter 1

**COMMENTER:** John McKenzie, City of San Luis Obispo Planning Commission

**DATE:** December 16, 2018

### Response 1-1 – General Comments

The commenter states that the Conceptual Site Plan in the Draft IS-MND (Figure 3) does not correspond with the creek alignments shown in the Biological Resource Assessment (BRA) & Jurisdictional Delineation (Appendix B), and notes potential inconsistencies related to the City's 35-foot setback policy, the potential crossing of Acacia Creek, and planned landscaping near riparian/wetland habitat. The commenter recommends that the project be conditioned to state that all landscaping/plantings would be compatible with riparian and wetland habitats. The commenter states that there are no measures that require implementation of any approved plans or conditions that require verification of successful restoration efforts.

Figure 3 in the Draft IS-MND depicted a misalignment of the conceptual project elements and creek alignment boundaries over the background aerial imagery. This figure has been revised to correct the misalignment, and to accurately reflect the creek alignments, the associated 35-foot setback boundaries, and the intersection of the planned access to the site from Tank Farm Road at the existing Tank Farm Road/MindBody signalized intersection. The associated discussion of these elements is correct and does not require revision. Accordingly, no further analysis or mitigation is required in the Draft IS-MND.

Landscaping/plantings in riparian and wetland habitats would be subject to the requirements of Mitigation Measures BIO-2(a) and BIO-3 and the City's 35-foot setback off both Acacia Creek and Orcutt Creek. Mitigation Measure BIO-3 requires the preparation of a Mitigation and Monitoring Plan by a qualified restoration ecologist. In addition, Mitigation Measure BIO-3 has been revised to reflect the requirements that the applicant would be responsible for implementing the Plan, and the City will be responsible for verifying success of the Plan. Mitigation Measure BIO-3 has also been revised to require removal of non-native invasive plants in disturbed areas within riparian and wetland habitats and within City's 35-foot creek setback from Orcutt Creek and Acacia Creek, and revegetation of such areas using native plants.

### Response 1-2 – Noise

The commenter states that the Sound Level Assessment (Appendix D) considered a different layout of buildings than what is shown in the Draft IS-MND Conceptual Site Plan, and recommends that the identified noise-sensitive area should be referenced to known elements, such as the centerline of Tank Farm Road with a specified distance and not with elements of the site plan that may change. Mitigation Measure N-1 has been revised to reference interior noise mitigation requirements to Tank Farm Road, using a conservative distance of 150 feet from the roadway centerline to identify residential units that may be exposed to interior noise levels in excess of the City's interior noise standard. Mitigation Measure N-1 has also been revised to require that final building design and location collectively provide an effective attenuation shield from Tank Farm Road noise for active outdoor areas within the development with the intent to achieve 60 dBA CNEL or less at a distance of 250 feet from the centerline of Tank Farm Road.

### Response 1-3 – Parking Reduction

The commenter requests additional information regarding the parking reduction request. This request is no longer proposed as part of the project. The Draft IS-MND has been revised to reflect this change. Accordingly, no further analysis or mitigation is required in the Draft IS-MND.

### Response 1-4 – COA/Mitigation Measure Comments

The commenter provides the following recommendations and requests for clarifying revisions to Draft IS-MND Mitigation Measures:

- Mitigation Measure AQ-1(a) – the commenter states that it is unclear if the four required measures are in addition to the list provided in the measure, or if the list is intended to be used to make the selection. Mitigation Measure AQ-1(a) has been revised to clarify that the applicant shall implement a minimum of four of the listed standard emission reduction measures from the SLOAPCD *CEQA Air Quality Handbook*.
- Mitigation Measure BIO-1(c) – the commenter recommends that the measure clarify the implementation and verification requirements, and requests that the measure include a performance standard to verify long-term success to the City. Mitigation Measure BIO-1(c) has been revised to clarify that the required Restoration Plan shall be implemented by the applicant with the City verifying that the success criteria have been met.
- Mitigation Measure BIO-2(a) – the commenter recommends that vehicle refueling and maintenance should be located farther than 50 feet from waterways and known riparian/wetland areas. Mitigation Measure BIO-2(a) has been revised to clarify that all refueling, maintenance, and staging of equipment and vehicles shall occur at least 50 feet from defined edges of riparian and wetland vegetation, and Acacia Creek and Orcutt Creek and in a location where a spill would not drain toward aquatic habitat.
- Mitigation Measure BIO-2(f) – the commenter notes that raptors may nest earlier than February 1, and requests that the distances in this measure be revised to account for vertical distance (height). The commenter also recommends inclusion of a preventative worker’s education program to ensure that construction is managed in a way that keeps birds from establishing active nests during construction. Nesting birds encountered in the City of San Luis Obispo typically nest between February 1 to September 15. This measure notes that active nests are located during the pre-construction survey or during construction would require all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. Mitigation Measure BIO-2(f) has been revised to describe buffer distances from the nest tree for clarity. Mitigation Measure BIO-2(f) has also been revised to refer to the Worker Environmental Awareness Program (Mitigation Measure 2[b]), noting that the Program shall provide good housekeeping practices of equipment and materials that discourage nests being established within the construction area.
- Mitigation Measure BIO-3 – the commenter recommends that this measure state that the applicant will implement the Mitigation and Monitoring Plan, and that the City will verify its successful implementation. Refer to Response 1-1.
- Mitigation Measure CR-2(b) – the commenter notes that cultural resources were not identified during the surface-level review of the site, and recommends that the Extended Phase I (XPI) Testing Program be removed, and that elements of this requirement be added

to Mitigation Measure CR-2(c), such that encountering undiscovered resources during construction would trigger an extended Phase 1 and possibly Phase 2 work before construction could occur near the affected area. Mitigation Measures CR-2(b) and CR-2(c) have been modified to first provide the requirements that would be triggered by unanticipated discovery of cultural resources during construction, and then to describe the requirements for an extended Phase 1 testing program (and any subsequent requirements).

- Mitigation Measure CR-3(a) – the commenter recommends that a six-foot grading depth qualifier be added to the measure. Mitigation Measure CR-3(a) has been revised to add the recommended requirement.
- Mitigation Measure N-1 – the commenter states that requirements in this measure are vague, and recommends revising the measure to identify a specific distance from Tank Farm Road as the trigger for interior noise mitigation. The commenter also notes that gaps between buildings in the final design may result in higher roadway noise levels on the project site than anticipated. Refer to Response 1-2.
- Mitigation Measure N-2(a) – the commenter states that the required construction equipment best management practices (BMPs) are excessive, and recommends using received noise complaints as a basis for the Planning Director identifying whether additional measures are appropriate to address noise concerns during construction. The commenter specifically recommends deleting all the required BMPs other than the limitations on hours of construction activity. Mitigation Measure N-2(a) has been revised to include a statement that applies the listed BMPs only to construction activity that exceeds 60 dBA at the property line with the existing residence to the southeast.

The commenter also notes that on Figure 3, Conceptual Site Plan, access to the site from Tank Farm Road is not aligned with the existing signal at the existing Tank Farm Road/MindBody signalized intersection. Refer to Response 1-1.

The commenter requests that the Draft IS-MND clarify whether widening of the Acacia Creek Bridge is proposed at Tank Farm Road. Development of the project site under the proposed project would require widening of the north side of Tank Farm Road, including the existing crossing of Acacia Creek along the western portion of the project site. The Draft IS-MND discusses potential environmental effects associated with work within Acacia Creek and/or Orcutt Creek, and requires mitigation measures, primarily in Section 4, Biological Resources, to address such impacts. These measures include measures to protect sensitive riparian plant and animal species, and riparian and wetland habitats (refer to Mitigation Measures BIO-1[a] through BIO-1[c], BIO-2[a] through BIO-2[g], and BIO-3). The Draft IS-MND concludes that the potential effects of work in riparian/wetland areas are mitigable, and would not result in a significant environmental effect after mitigation.

**DEPARTMENT OF TRANSPORTATION**

50 HIGUERA STREET  
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**Letter 2**



*Making Conservation  
a California Way of Life.*

<http://www.dot.ca.gov/dist05/>

January 4, 2019

SLO 227 PM 10.26  
SCH#2018111054

Tyler Corey, Principal Planner  
City of San Luis Obispo  
919 Palm Street  
San Luis Obispo, CA 93401

**COMMENTS FOR THE MITIGATED NEGATIVE DECLARATION (MND) FOR 650 TANK FARM ROAD MIXED-USE PROJECT**

Dear Mr. Corey:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the MND for 650 Tank Farm Road Mixed-Use Project. After reviewing the above referenced project, we offer the following comments:

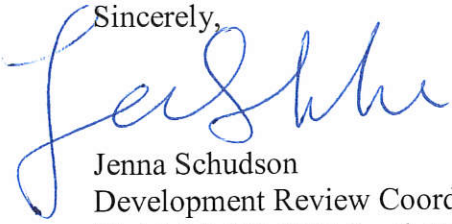
- 1. Caltrans intersections that could be affected by the project were not included in the Multimodal Transportation Impact Study. Analysis, including trip distribution and fair share calculations should be completed for impacts to the following intersections and interchanges: State Route 227 and Buckley Road, Los Osos Valley Road and Higuera Street, US 101 and Los Osos Valley Road interchange. 1
- 2. The Existing Transportation Conditions section of the traffic study used 2016 count data. If the 2018 counts have been processed, they should be compared to the 2016 counts provided to ensure the report does not need to be updated. Additionally, please clarify the year for the Cumulative Conditions section. 2
- 3. The methodology behind notes 4 and 5 in Table 10 “Weekday Vehicle Trip Generation” should be clarified. It is unclear what trips are being captured in the internal trips number shown. Additionally, pass-by trips should only be used for retail; the new apartment trips are primary trips. 3
- 4. Please clarify the intent of Figure 4, titled “Project Trip Distribution and Existing Project Volumes.” It is unclear if the figure is meant to show the existing condition, which is the mobile home park, or the proposed mixed-use project’s volumes. 4

If you have any questions, or need further clarification on items discussed above, please contact me at (805) 549-3432 or [Jenna.Schudson@dot.ca.gov](mailto:Jenna.Schudson@dot.ca.gov).



Mr. Tyler Corey  
January 4, 2019  
Page 2

Sincerely,



Jenna Schudson  
Development Review Coordinator  
District 5, LD-IGR South Branch

## Letter 2

**COMMENTER:** Jenna Schudson, California Department of Transportation

**DATE:** January 4, 2019

### **Response 2-1 – Intersections Included in the Transportation Study**

The commenter states that Caltrans intersections that could be affected by the project were not included in the Multimodal Draft Transportation Impact Study (transportation study, Appendix E of the Draft IS-MND). The commenter requests analysis of trip distribution and fair share calculations be included for potential impacts at the SR 227/Buckley Road intersection, the Los Osos Valley Road/Higuera Street intersection, and the U.S. 101/Los Osos Valley Road interchange.

Caltrans was included in the scoping of the traffic study; in the State’s response, no additional intersection or segments were requested (Attachment E: September 18<sup>th</sup>, 2017 Caltrans Scoping Response). Based on the project trip generation and distribution provided in the transportation study, project traffic would not contribute to a substantial increase in traffic at the U.S. 101/Los Osos Valley Road Interchange. The project would contribute to the Citywide traffic impact fee program, which funds multiple local transportation projects identified to alleviate Citywide traffic, most notably the Prado Road Interchange, which is forecasted to improve operations at the U.S. 101/Los Osos Valley Road Interchange

The project trip generation and distribution provided in the transportation study, including the planned transportation improvement projects identified in the January 2017 State Route 227 Operations Study, which have been adopted into the County SR 227 transportation improvement fee program, identify that project traffic would not contribute to a substantial increase in traffic at SR 227 intersections. In addition, City staff will be recommending that the project be conditioned to participate in the County’s SR 227 fee program.

As shown in the Table 11 of the transportation study, project trips at the Higuera/Tank Farm Road intersection do not adversely affect the V/C or Delay to result in a Level of Service (LOS) impact to the intersection. Therefore, these additional trips do not generate a project specific impact at this intersection. Therefore, it is a reasonable conclusion that impacts at intersections further downstream from the project would not generate project specific impacts at those intersections.

The cumulative scenario estimates volumes with several planned network improvements, as shown on page 30 of the transportation study. These improvement projects are “planned network and land use changes expected upon buildout of the City’s General Plan” (page 30) and with indicated funding in the Citywide Traffic Impact Fee program and in the San Luis Obispo General Plan Circulation Element. Potential impacts to the Higuera/Prado Road intersection and to the U.S. 101/Los Osos Valley Road interchange would be mitigated by these planned network improvements. In the cumulative scenario, potential LOS impacts at the Higuera/Tank Farm Road intersection are addressed by the required mitigation measures.

### **Response 2-2 – 2016 Traffic Counts**

The commenter states that the existing transportation conditions discussion in the transportation study should compare the 2016 traffic count data to 2018 traffic counts, if the 2018 traffic counts have been processed. The commenter also requests that the year for the cumulative conditions be clarified. The project application and environmental review was conducted prior to 2018 traffic;

therefore 2018 counts were not available at the time environmental review was conducted. Per CEQA section 15125(a) the 2016 counts used in the traffic study are the legal baseline on which this Draft IS-MND analysis is based.

Cumulative conditions for the traffic impact study represent the buildout Capacity of the City under current zoning, this is theoretically identified at 2035 but would likely occur beyond.

### **Response 2-3 – Trip Generation Methodology**

The commenter recommends that notes 4 and 5 in Table 10 of the transportation study be clarified to describe what trips are being captured in the internal trips number shown. The commenter also requests that pass-by trips only be used for retail land uses, and states that new residential trips should be considered primary trips. Table 10 of the transportation study uses the 2014 ITE Trip Generation Handbook 2<sup>nd</sup> edition (2014) & ITE Trip Generation Manual, 9<sup>th</sup> edition (2012) to calculate the internal trip capture rate for the mixed-use development. Pass by trips are calculated as a percentage of total trips for the retail portion of the development, based on the ITE Trip Generation Handbook. The transportation study only accounts for retail pass-by trips.

### **Response 2-4 – Trip Distribution Figure**

The commenter requests that Figure 4 of the transportation study clarify whether the figure is meant to show the existing condition or the proposed project's traffic volumes. Figure 4, on page 20 of the transportation study, shows the existing volumes of the project site. The title of the figure will be revised to "Figure 4: Existing Site Trip Distribution and Volumes."

January 4, 2019

**Sent via Email**

Tyler Corey, Principal Planner  
City of San Luis Obispo  
919 Palm Street  
San Luis Obispo, CA 93401  
tcorey@slocity.org

**Re: 650 Tank Farm Road Mixed-Use Project Mitigated Negative Declaration**

Dear Mr. Corey:

This law firm represents the Southwest Regional Council of Carpenters (Southwest Carpenters) and submits this letter on the above-referenced project on its behalf.

Southwest Carpenters represents 50,000 union carpenters in six states, including in Southern California, and has a strong interest in ensuring well-ordered land-use planning and reducing the environmental impacts of development projects, such as the 650 Tank Farm Road Mixed-Use Project (Project). In its Mitigated Negative Declaration (MND), the City of San Luis Obispo (City) has determined the Project has the potential to cause significant impacts on the environment, but that all such impacts will be reduced to a less-than-significant level after mitigation.

The City describes the Project as including the construction of 17,500 square feet of commercial space and 249 residential units in fifteen three-story buildings. The Project will include the following approvals:

- Zone Change to rezone 3.25 acres of Business Park and 6.85 acres of Medium Density Residential to Business Park/Residential;
- General Plan Amendment, which the City does not further describe;
- Specific Plan Amendment to the Airport Area Specific Plan, which the City does not further describe;
- Conditional Use Permit; and
- Mobile Home Park Conversion Impact Report

The City does not confirm whether the Project will need to obtain any other state and federal approvals, such as a Section 401, 404 and NPDES permits, Endangered Species Act consultation or permit, or a Streambed Alteration Agreement. However, as the Project has the potential to

impact jurisdictional waters, it should also include a Section 404 permit and involve formal Section-7 Consultation, pursuant to 16 U.S.C. § 1536(c).

Southwest Carpenters presents these comments in response to the MND, below.

### **Project Description**

The City does not adequately describe the Project, such that it is difficult to understand its impacts.

First, the City references “potential” off-site access improvements. As these potential off-site access improvements involve the widening of a bridge in a manner that has a real potential to cause additional impacts, including to biological resources, the City must state definitively whether this is a component of the Project.

The City’s description of the residential component of the Project provides an unbelievably low total floor area. The City states all 249 residences will be located on only 14,530 square feet of floor area, equating to roughly 50 square feet per residence. (MND, p. 4.) This statement is incredulous, cannot include the floor area and square footage of all residential-related structures, and must be revised in a recirculated document.

The City wildly oscillates between describing the Project as including the removal of vacant and non-vacant mobile homes. To summarize the universal trend in the City’s analysis, the City described these homes as occupied or vacant, in turn, whenever doing so would portray the Project as having reduced environmental impacts. This approach is the opposite of informative and must be revised throughout the MND.

The City does not describe the General Plan and Specific Plan Amendments at all. The City must provide more information regarding these amendments. Specifically, what would these amendments change the land use designation of the Project to and from?

The City does not confirm whether the Project will include any state or federal permits, such as a Streambed Alteration Agreement, Section 404 Permit, Incidental Take Permit, or Section 7 Consultation. The City must describe whether the Project includes any or all of the above approvals.

The City provides an incorrect estimate of the total Project population; as such, all analysis that relies on these estimates is wrong. Whereas the City, without support, assumes the Project would only accommodate an unbelievably low 2 residents per residential unit, no

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cont'd.



jurisdiction in California has such a low average number of residents per unit. San Luis Obispo averages 2.44 residents per housing unit. A correct estimate of the Project's population is 607, not 498. Thus, the City underestimated the Project population by roughly twenty percent. This estimate and all analysis based on it must be revised throughout the MND and the MND must be recirculated.

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cont'd.

Some or all of the Project site is not located within the City limits, yet the City does not describe the Project as including annexation of any County property or related LAFCo approval. The City should have disclosed these needed steps for Project approval in the MND.

### Aesthetics

The City mischaracterizes the Project site as occurring in the "moderate" scenic value section of Tank Farm Road. However, roughly one-third of the Project site falls west of Santa Fe Road. (MND, p. 10.)

The City provides an inadequate analysis of General Plan Policies designed to protect the aesthetic values of the Project site. The City states General Plan policies "require environmental review to ensure that the City preserves and improves view [*sic*] from public scenic places. Therefore, the project would not have a significant effect on a scenic vista, or substantially degrade the existing visual character or quality of the site and its surroundings." (MND, p. 16.) This conclusory statement is not evidence the Project will have less-than-significant impacts in reference to these General Plan policies. The City cannot rely on the fact that environmental review will occur as evidence that no impacts will occur. Please revisit this analysis in a revised MND or EIR.

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### Air Quality

The City provides no analysis whatsoever of cumulative impacts for air quality, in addition to several other categories of environmental impacts. Thus, the City's analysis is entirely deficient and must be revised for the MND to serve as a legally sufficient CEQA document. However, as shown by the City's analysis in the DEIR for the nearby and recently approved Avila Ranch project, the Project will cumulatively contribute to several environmental impacts the City has previously found to be significant and unavoidable. Because the Project will cumulatively contribute to these significant and unavoidable environmental impacts, the City must prepare an EIR for the Project.

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The City erroneously evaluates the Project assuming the mobile home park is operational. However, elsewhere, the City describes these homes as "vacant," and assumes a baseline

population of zero. (MND, p. 26.) As mentioned, above, please provide an accurate description of baseline project conditions as they existed at the time the City began its environmental review and evaluate the Project consistently using that baseline.

The City states the Project would not exceed the population projections in the San Luis Obispo Air Pollution Control District (APCD). (MND, p. 23.) However, as mentioned above, the City fails to account for twenty percent of the Project population at build-out. Further, the City fails to consider the cumulative impacts of other past, present, and reasonably foreseeable future development. The City states the General Plan Land Use Element only anticipates a population of 50,569 by 2035 and regional planning only estimates a citywide population of 48,601 by 2025. Evidence clearly shows the Project, in conjunction with other past, presently, and reasonably foreseeable development, will well exceed these growth estimates. The City, itself, has predicted the City's population would grow to over 56,000 by 2035. Regarding the 2025 estimates used for regional planning, the City's population has already exceeded that estimate. According to the U.S. Census, the City's 2017 population was 47,541, meaning that the City's population would only need to increase by 1,000 to exceed these estimates. The approval of other nearby projects greatly exceeds this estimate, including the Avila Ranch development, which increases the City's population by 1,756, as well as the Tribune Production Building Conversion Project, San Luis Ranch Project (580 units and 200-room hotel), the 860 On the Wye project (20 units), the Twin Creeks project (102 units). While there are likely several other past, present, and reasonably foreseeable projects, the City's utter lack of a cumulative impacts analysis defeats the ability of commenters to gain a complete view of Project impacts. However, even under the limited information described, above, it is clear the City will well exceed its 2025 and 2035 population estimates. The Project is clearly inconsistent with population growth estimates prepared for the City, and this analysis must be revised accordingly. (MND, p. 23.)

The City's statements regarding impacts to the citywide vehicle trip rate is also incorrect on its face. The City discloses the Project would exceed the estimated General Plan daily trip rate at buildout by 10,853 daily trips. (MND, p. 24.) Because the Project will exceed the General Plan estimated daily trip estimates, this results in a significant impact not adequately considered or mitigated in the MND. This excess is all the more troubling, as it is unclear whether the City has fully accounted for the cumulative traffic impacts of all other past, present, and foreseeable future projects. Further, the City's estimated total Project trips is calculated based on the false premise that the Project would only accommodate 498 residents. The MND underestimates Project trips by approximately twenty percent.

The City's analysis of Land Use and Transportation Control Measures is also inadequate. (MND, p. 24.) The City's statements in its analysis are conclusory and unsupported by evidence

in the record. The City must provide evidence and additional analysis to support its reasoning regarding the impacts of the Project in relation to land use and transportation control measures.

While the City found the Project would have impacts that exceed significance thresholds, the majority of the City's mitigation measures do not address these impacts. (MND, p. 26.) However, even as to those mitigation measures directed toward reducing the significant impacts of the Project, the City fails to quantify the reductions achieved by this mitigation, such that members of the Public can discern whether these measures would reduce Project emissions to below the quantitative level of significance. Absent this information, the City's analysis remains inadequate and unsupported by evidence in the record.

### **Biological Resources**

The City's analysis of impacts to plant species does not support a finding that Project impacts will be less than significant. As the City's initial surveying of the Project site occurred outside of the flowering season for all relevant special status plants, it does not currently know the extent or locations of sensitive plant species on-site. (MND, p. 32.) While the City would require additional biological surveying during the blooming season, the City does not prohibit construction to start prior to conducting these surveys. Thus, there is no evidence that the Project will not significantly impact individuals of and habitat for special status species.

Furthermore, the City fails to provide adequate evidence that mitigation designed to reduce impacts to protected wildlife will reduce these impacts to less than significant. The City's mitigation measures are designed to avoid protected species that are found in riparian habitat. However, as the City recognizes, individuals of these species have the potential to use other portions of the Project site, including areas that will be graded, developed, and frequented by future users of the Project site. The City's mitigation measures do little to nothing to ensure the Project will not significantly impact individuals that move away from riparian areas. As the City does not claim the Project includes Section 7 Consultation or the receipt of an Incidental Take Permit, the unauthorized take of even one individual of a species protected under the federal and state Endangered Species Acts would violate these laws and result in significant and unavoidable impacts.

The City's evaluation of other impacts to protected species is conclusory. For instance, the City states, "Because the project site and immediate vicinity are already developed and disturbed, the increase in lighting, noise, and human activity onsite due to the project would not result in a substantial change or long term impact to wildlife movement throughout the region." (MND, p. 45.) This statement is unsupported by evidence and related analysis. Thus, the City cannot rely on this statement to determine Project impacts will be less than significant.



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**Cultural Resources**

The City provides an inadequate analysis of impacts to cultural resources. First, the City fails to provide an adequate description of the Project, such that it is impossible to understand the impacts of the Project. For instance, the City states the Project may contain land that has high paleontological sensitivity but states it does not know whether the Project will result in a significant impact because “The maximum depth of proposed project ground disturbance is unknown until project design is finalized.” (MND, p. 50.) The City was required to fully describe the Project in the MND, such that commenters would know whether this impact would occur.

Furthermore, the City states the Project would have a less than significant impact in regard to Significance Threshold (d). (MND, p. 52.) This threshold asks whether the Project would “Disturb any human remains, including those interred outside of formal cemeteries.” (MND, p. 52.) While the City recognizes the Project has the potential to disturb human remains, it somehow still determines Project impacts will be less than significant *prior to mitigation*. (MND, p. 52.) The Project cannot both trigger this significance threshold and have less than significant impacts. The City’s analysis indicates it did not seriously consider these impacts and, instead, categorically assumes without analysis that no project can ever trigger this significance threshold because there are state laws designed to address impacts to human remains. CEQA requires better analysis than this.

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**Geology and Soils**

The City does not provide an adequate discussion of baseline Project conditions or Project impacts, such that members of the Public cannot determine whether the Project will result in significant impacts in regard to Significance Thresholds (a.3), (c), and (d). (MND, p. 55.) The City admits the Project has the potential to result in significant impacts under these thresholds, but then states it cannot know whether impacts will be significant “because such analyses have not been completed.” (MND, p. 55.) The City then imposes the production of a Site Geotechnical Study as a mitigation measure, to be implemented well after the Project is approved. The City is required to accurately and adequately describe these impacts in the MND; its failure to do so invalidates the MND.

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**Greenhouse Gas Emissions**

The APCD provides a quantitative “bright-line” greenhouse gas impact threshold for projects of 1,150 metric tons of carbon dioxide-equivalent (MTCO<sub>2</sub>e) per year, as well as an “efficiency-based threshold” for “larger, very GHG-efficient projects that would otherwise

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significantly exceed the bright-line threshold.” (APCD, Greenhouse Gas Thresholds and Supporting Evidence, p. 26.) However, the City provides no justification for the use of this threshold. The City never classifies the Project as “larger” or as significantly exceeding the bright-line threshold. Rather, the City seems to default to the efficiency threshold without further analysis simply because the use of this threshold allows it to claim Project-related impacts are less than significant, and for no other reason. However, especially as the City is analyzing the Project pursuant to an MND, it cannot ignore significance of Project impacts under the bright-line emissions threshold, where application of this threshold provides evidence that the Project will have significant and unavoidable environmental impacts.

Perhaps more importantly, the City should not rely on the APCD GHG Guidance *at all*, as this guidance is clearly outdated. The last time the APCD updated this guidance was in 2012 in reference to the greenhouse gas reduction targets in AB 32. This document contains as its goal a reduction of greenhouse gases to 1990 levels by 2020, which does not even account for full Project construction, let alone Project operation. Fatally, the guidance, and thresholds, in this document were superseded when the State Legislature adopted SB 32 in 2016, which, as the City recognizes, represents much stronger greenhouse gas reductions goals, for which the APCD’s Guidance does not account. Thus, the entirety of the City’s quantitative greenhouse gas emissions analysis is invalid and must be revised with City-adopted thresholds that take into consideration the stricter mandate of SB 32.

For the same reasons, the City’s analysis of Project consistency with the City’s Climate Action Plan is also invalid. The City’s Climate Action Plan was also adopted in 2012, in reference to the mandates of AB 32. (City of San Luis Obispo Climate Action Plan, p. 1; City of San Luis Obispo, Sustainability, <https://www.slocity.org/government/department-directory/community-development/sustainability> (accessed Jan. 4, 2019 (stating the City’s “Climate Action Plan lays out strategies to achieve emissions reductions to meet state guidance of 1990 levels by the year 2020).) In addition, the City’s evaluation of Project consistency with its Climate Action Plan was conclusory, unsupported by reasoning or evidence, and, thus, inadequate in its own right.

Finally, the City’s conclusory evaluation of Project consistency with the California Air Resources Board’s Scoping Plan is both analytically inadequate and impermissible pursuant to clear legal precedent. (*See Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204.)

In sum, the City’s reliance on outdated and irrelevant policies and documents cannot be seen as a good-faith effort to evaluate the greenhouse gas impacts of the Project. And, assuming

the validity of the APCD's GHG Guidance, the City has ignored the significant and unavoidable impacts of the Project.

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### **Hazards and Hazardous Materials**

The City wrongly concludes no schools are located within one-quarter mile of the Project site and neglects to conduct any further analysis of this significance threshold. (MND, p. 69.) However, contrary to the City's conclusion, the nearest school is the San Luis Obispo College of Law, which is located less than one-quarter mile from the Project site. The City must revise its analysis of this significance threshold in a recirculated MND or DEIR.

In the City's analysis of airport hazards, the City did not state whether the required Federal Aeronautics Administration (FAA) consultation has occurred. According to 14 C.F.R. Part 77, projects near airports, such as the Project, are required to consult with the FAA prior to submitting an application to the City. (See FAA, Notification of Proposed Construction or Alteration on Airport Part 77, <https://www.faa.gov/airports/central/engineering/part77/> (last accessed Jan. 4, 2019.) Absent confirmation this safety consultation occurred, the City has failed to provide sufficient information to evidence that Project impacts will be less than significant.

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Furthermore, evidence presented by the City indicates there is a threat that the Project may impact airport safety. As the City mentions, over the past thirty years, there have been 33 accidents, eleven of which have occurred in the Airport Overlay Zones. (MND, p. 67.) However, the City does not indicate whether any of these Airport Overlay Zone accidents occurred near the Project site. As the Project will pose another obstacle to an airplane attempting to conduct an emergency landing, there is evidence the Project would create significant and unavoidable impacts to airport safety.

### **Hydrology and Water Quality**

The City discloses half of the Project site is at risk of flooding under baseline Project conditions. (MND, p. 77.) The City plans to raise Project ground elevations above the existing 100-year floodplain. (MND, p. 6.) Due to this, the City determines the Project will have less than significant impacts regarding exposure of people or structures to flooding. (MND, pp. 73-74.) Notwithstanding the potential of the Project to cause injury or death, the only mitigation measure the City proposes is a change to the Federal Emergency Management Agency (FEMA) Flood Map after it raises the Project floor above the flood level. (MND, p. 78.) Thus, the City analyzes raising the Project above flood levels as part of the *Project*, although this is clearly mitigation. It is impermissible for the City to compress its analysis of Project impacts and

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mitigation measures in a manner that skews the environmental analysis and underrepresents the impacts of the Project.

Further, the City entirely fails to evaluate the impacts of this mitigation measure. By default, raising the Project site out of the floodplain means the Project will increase and sharpen flows during flooding, in a manner that will cause even greater flood impacts off-site, and also in a manner that will cause additional impacts to biological resources, including through habitat modification that will directly result in the take of species. The City's failure to consider these impacts invalidates the MND.

Regarding water quality impacts, the City fails to disclose baseline conditions, or to evaluate the cumulative impacts of the Project. (MND, p. 75.) The City fails to disclose whether the waterways that traverse the Project site are impaired and, if so, whether the Project will cumulatively contribute to their continued impaired status.

### Land Use

The City, again, shifts its baseline discussion in a manner that downplays the significant impacts of the Project. Whereas the City elsewhere evaluates the mobile homes as being occupied, in the City's evaluation of impacts to mobile homes in its discussion of land use impacts, the City states these homes are vacant, and "Therefore, no residents would be displaced with the redevelopment of the site." (MND, p. 81.) The City cannot have this both ways, and its constantly shifting baseline serves to misinform the public regarding the significant impacts of the Project.

Furthermore, the City fails to evaluate whether the Project would comply with all laws and policies designed to preserve mobile home communities. While, or perhaps because, these communities provide some of the lowest-cost housing in the state, these communities have regularly been targeted for removal, thus often forcing the displacement or homelessness of mobile home residents. In response to this crisis the State Legislature has enacted a series of laws designed to preserve and protect mobile home communities. Despite this, the City entirely fails to evaluate whether the Project would be consistent with these laws. This failure violates CEQA, and possibly other state laws.

### Noise

The City determined Project-related noise impacts would be significant and proposed mitigation measures. However, Mitigation Measure N-1 is only directed to address the impacts of the Project on future Project residents. (MND, pp. 89-90.) This mitigation measure does

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nothing to reduce impacts to the environment, including protected species and nearby sensitive receptors. The City's determination that Project impacts will be less than significant in reliance on this mitigation is not supported by substantial evidence.

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### **Population and Housing**

The City states, "Cumulatively, residential buildout in the City up to the year 2035 would not exceed 25,762 units (or 56,686 people)." (MND, p. 98.) This statement provides evidence that the City's own estimates on future population growth exceed the 50,569-resident buildout estimate the City relies on elsewhere in the MND. Further, this estimate grossly understates the total population full build-out of the General Plan would allow. Assuming an average household size of 2.44 persons per residential unit, build-out of 25,762 units would result provide housing for 62,640 residents, not 56,686, as the City states.

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### **Public Services**

The City's analysis of impacts to public services is backwards. For instance, regarding impacts to fire services, the City recognizes the Fire Department even now suffers from limited capacity and increasing response times. (MND, p. 99.) The City further recognizes the Department must construct new facilities and increase its staff to meet the service needs of this and other projects. (MND, p. 99.) Notwithstanding the above, the City somehow determined Project impacts are less than significant because the Project will be required to pay impact fees to contribute to the construction of these facilities. The payment of these impact fees will literally cause the significant impact raised in the CEQA Guidelines and the City's own MND analysis. Yet, the City provides no analysis to indicate how these impacts will be reduced to less than significant. The City provides the same faulty analysis regarding impacts to police services, schools, and parks. (MND, pp. 100-101.)

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Regarding impacts to schools, the City fails to address the significant impacts of providing school services to the Project site, in light of the distance of the Project from the nearest elementary, middle, and high schools. Because the Project is so far away from these schools, student attendance will cause much longer, and more, vehicle trips than under typical circumstances. The City does not even disclose whether school buses provide transportation services to the Project site; if all students will have to be transported to school in private vehicles, this will greatly increase the number of trips and emissions above the already understated trip estimates provided in the MND.

### **Traffic**

The City, again, shifts its baseline in a manner that downplays the environmental impacts of the Project. The City downplays Project impacts by assuming the incorporation of future changes to intersections that have not occurred as of the publication of the MND. (MND, pp. 108, 110.) The City must provide an accurate and stable baseline that does not assume the incorporation of changes other than mitigation measures.

The City fails to evaluate, or even mention, impacts to nearby intersections the City has elsewhere stated suffer from significant and unavoidable impacts. Specifically, the City fails to disclose Project impacts on Buckley Road and Highway 227, which is just down the street from the Project site, and to Prado and South Higuera Street, which is only one-half mile away from the Tank Farm Road/South Higuera Street intersection the City evaluates in the MND. (MND, p. 106.) The City fails to evaluate impacts to these intersections and, likewise, fails to claim no Project traffic would use these intersections. These intersections operate and significant and unavoidable levels of service. Because the Project would cumulatively contribute to a significant and unavoidable impact, the City must prepare an EIR for the Project.

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### **Utilities**

The City's analysis of impacts to wastewater facilities is incomplete. The City focuses exclusively on dry-weather wastewater flows, which the City states are currently 4.5 million gallons per day (mgd). (MND, p. 125.) The City states the "dry-weather" capacity of the wastewater treatment facility slated to serve the Project is 5.1 mgd.

As this law firm also serves as counsel for a community services district that has long had sewer district powers, this firm has some experience with sewer facility capacity. As a first point, there is no such thing as "dry-weather" versus "wet-weather" capacity. Rather, wastewater treatment plants and related facilities must be built to accommodate peak wet weather capacity. This is the only capacity that exists or matters, because during peak wet weather events, flows to sewer facilities may double or triple. With this in mind, it is highly concerning the wastewater treatment plant only has a 5.1 mgd capacity but already receives 4.5 mgd in dry-weather flows. This facility is likely to experience repeated overflows during wet weather events, to which the Project will contribute. The City's failure to consider cumulative peak wet weather flows to these wastewater facilities invalidates the MND.

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Tyler Corey, Principal Planner  
Re: 650 Tank Farm Road MND  
January 4, 2019  
Page 12

**Energy Efficiency and Conservation**

The City is required, and failed, to discuss whether the Project includes the wasteful consumption of energy that may be mitigated. As mentioned, the remote location of the Project from necessary school, police, and fire services will cause the wasteful consumption of energy that could have been avoided with better planning. Further, the City's failure to consider mitigation in the form of rooftop solar and installing electric vehicle charging stations in both the residential and commercial components of the Project stands out as a lost opportunity at energy savings. The City must recirculate the MND or draft an EIR that contains an adequate discussion of this topic.

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**Conclusion**

Southwest Carpenters thanks the City for providing an opportunity to comment on the MND. Pursuant to Section 21092.2 of the Public Resources Code and Section 65092 of the Government Code, Southwest Carpenters request notification of all CEQA actions and notices of any public hearings concerning this Project, including any action taken pursuant to California Planning and Zoning Law. In addition, pursuant to Public Resources Code section 21167(f), please provide a copy of each Notice of Determination issued by the City in connection with this Project and please add Southwest Carpenters to the list of interested parties in connection with this Project and direct all notices to my attention. Please send all notices by email, or if email is unavailable, by U.S. Mail to:

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Very truly yours,  
WITTWER PARKIN LLP



Nicholas Whipps

# Attachments



Draft

November 2016

# Environmental Impact Report for the Proposed Avila Ranch Development Project

SCH No. 2015081034



Prepared for:  
City of San Luis Obispo  
Community Development Department  
919 Palm Street  
San Luis Obispo, California 93401



Prepared by:  
Amec Foster Wheeler Environment & Infrastructure, Inc.  
104 West Anapamu Street, Suite 204A  
Santa Barbara, California 93101

neighborhood groups. The NOP comment period ran from August 14, 2015 through September 14, 2015, and a public hearing was held on August 26, 2015. During the NOP comment period, City received 30 written comment letters. Comments received during the NOP comment period were considered during EIR preparation and are included in Appendix B.

#### **ES-5 SUMMARY OF PROJECT IMPACTS**

The significance of each impact resulting from implementation of the Project has been determined based on impact significance criteria and applicable CEQA Guidelines for each impact topic. Table ES-1 presents a summary of the impacts, mitigation measures, and residual impacts from implementation of the Project. In summary, the proposed Project would result in significant and unavoidable construction-related and long-term impacts to air quality, construction-related noise, potential inconsistency with City General Plan policies, and long-term transportation and traffic impacts.

##### Agricultural Resources

Implementation of the proposed Project would result in the conversion of approximately 94.6 acres of agricultural lands and a loss of approximately 26.6 acres of farmland of statewide importance. Though the Project includes a landscaping plan that dedicates 27 acres of land outside the Urban Reserve Line to the cultivation of dryland rotational crops, conversion of prime soils within the Project site totals approximately 68 acres. Mitigation requiring offsite agricultural conservation or payment of in-lieu fees would reduce the severity of impacts of converting the property from agriculture to nonagricultural uses, but since the impact cannot be fully attenuated, impacts to agricultural land would remain significant and unavoidable.

##### Air Quality and Greenhouse Gas Emissions

In the short term, the projected emissions for the Project were found to be above the established APCD Tier 1 quarterly thresholds for construction emissions of ROG, NO<sub>x</sub> and PM<sub>2.5</sub>. Implementation of mitigation measures would minimize construction-related air quality impacts; however, this impact would remain significant and unavoidable, even after mitigation.

In the long term, air emission impacts from ROG + NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> as a result of vehicle trips, natural gas energy emissions, and additional area source emissions associated with the Project would be significant and unavoidable. In accordance with the San Luis



Obispo APCD's CEQA Air Quality Handbook, all standard mitigation measures and feasible discretionary mitigation measures would be incorporated into the Project. Even so, the residual impacts would remain above the significance threshold.

The Project was also found to have significant and unavoidable impacts related to consistency with the County of San Luis Obispo APCD's 2001 Clean Air Plan. The design of the Project would require relatively substantial changes to reduce inconsistency with overall land use planning principles contained in the Clean Air Plan to less than significant. The Project could hinder the County's ability to maintain attainment of the state ozone standard because the emissions reductions projected in the Clean Air Plan may not be met. The anticipated population growth and increase in vehicle trips associated with the Project is inconsistent with the projections contained within the 2001 Clean Air Plan. Therefore, inconsistencies with assumptions in the Clean Air Plan would remain significant and unavoidable, even after implementation of mitigation measures.

#### Noise

In the short term, even with implementation of mitigation measures, construction-associated noise levels from equipment and vehicles would temporarily exceed City noise thresholds established in the City's General Plan Noise Element and Noise Guidebook for noise-sensitive residential uses approximately 100 feet from the Project site during grading and construction activities. Standard mitigation measures restricting hours of construction would minimize impacts; however, due to the location of sensitive land uses adjacent to the Project site, noise standards would be periodically exceeded and therefore significant and unavoidable.

#### Land Use

After a review for consistency with City General Plan policies, the Project is potentially inconsistent with several policies designed to protect agricultural resources. The Project would not fully replace or recreate the lost agricultural land onsite, which is inconsistent with Policy 1.9.2, Prime Agricultural Land allowing development on prime agricultural land if the development contributes to the protection of agricultural land within the City Urban Reserve Line (URL) and, therefore, would be significant and unavoidable.

#### Transportation and Traffic

Impacts to traffic and transportation upon implementation of the Project would consist of delays and/or exceedance of intersection capacities. More specifically, Project generated

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traffic would cause exceedance of intersection capacities at the Buckley Road/State Route (SR) 227 intersection, resulting in significant and unavoidable impacts. Although the Project would implement mitigation measures and the Applicant would pay a fair share fee to offset Project contributions to this impact, as no County or Caltrans program for improvements is currently adopted, impacts would be significant and unavoidable.

In addition, the Project would contribute to significant and unavoidable impacts related to operational conditions for the Prado Road/South Higuera Street. Although mitigation would apply, there currently are no feasible funded or scheduled programs for improvements to this intersection to reduce this impact to a less than significant level.

**Table ES-1. Project Impacts, Mitigation Measures, and Residual Impacts**

Impacts	Mitigation Measures	Residual Significance
<b>3.1 Aesthetics and Visual Resources</b>		
VIS-1. Implementation of the Project would result in impacts to the existing scenic resources present at the site, particularly due to conversion of agricultural land to urban development, loss of mature native trees along Tank Farm Creek, and impairment of distant views of the Santa Lucia Mountains, Islay Hill, and Irish Hills from adjacent public roads.	None required	Less than Significant
VIS-2. The proposed Project would result in a change in the existing visual character of the site with the change of the rural character to a commercial and residential neighborhood.	None required	Less than Significant
VIS-3. Construction of the Project would create short-term disruption of the visual appearance of the site for travelers along Buckley Road, Vachell Lane, and Venture Drive.	MM VIS-3	Significant but Mitigable
VIS-4. The proposed Project would introduce a major new source of nighttime light, impacting the quality of the nighttime sky and increasing ambient light.	None required	Less than Significant
<b>3.2 Agricultural Resources</b>		
AG-1. The proposed Project would impact agricultural land within the Project site and offsite Buckley Road Extension with the direct conversion of historically cultivated farmland to urban development.	MM AG-1	Significant and Unavoidable
AG-2. Development of the proposed Project would create potential land use conflicts with continued agricultural operations to the south and east of the Project site.	MM AG-2a MM AG-2b	Significant but Mitigable

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# SLO prepared for population growth of 10,000, officials say | The Tribune

 [sanluisobispo.com/news/local/article80211237.html](https://sanluisobispo.com/news/local/article80211237.html)

Nacimiento Lake is one of the city of San Luis Obispo's water sources and the City Council increased its allocation by more than 2,100 acre-feet of water per year in March. David Middlecamp [dmiddlecamp@thetribunenews.com](mailto:dmiddlecamp@thetribunenews.com)

San Luis Obispo is prepared on all fronts for an estimated population growth of more than 10,000 residents over the next 20 years, officials said Wednesday, even as some residents questioned whether the city will have enough affordable housing and water to handle the influx.

Community development director Michael Codron laid out the city's growth projections during a study session at Tuesday's Planning Commission meeting. The meeting was for discussion purposes only, with no decisions made.

Codron said the city has made sure available resources will match the city's growth as part of San Luis Obispo's General Plan. The city has been projecting a population of 56,686 by 2035, up from 46,456 as of 2015.

"We look very closely at water availability, air quality, access to open space, capacity in our water reclamation facility and absolutely capacity on our roadways," Codron said.

Codron said one city objective is to encourage people to use bicycles, carpool or walk around town. Fees assessed to developers for building new housing help pay for new pathways and alternative transportation routes.

We look very closely at water availability, air quality, access to open space, capacity in our water reclamation facility and absolutely capacity on our roadways.

Michael Codron, city of San Luis Obispo community development director

Some residents and commissioners in the audience, however, called for more affordable housing, saying they feared an increasing number of people will have to commute to work in San Luis Obispo from other communities with cheaper housing. Some commented that climate change requires the city to take a more cautious approach to growth to avoid overconsuming water.

San Luis Obispo resident David Brody said he would like to see an estimate on the number of jobs generated by nonresidential development, saying there must be a balance between the number of new jobs and new affordable homes.

“If we provide housing, but people who work here in San Luis Obispo can’t afford them, they’ll be living in all the surrounding communities, they’ll negatively impacting air quality,” Brody said.

Brody said the Planning Commission should recommend to the City Council that limits be placed on new nonresidential development, and that the types of jobs created relative to the annual growth in housing should be reviewed.

(Secondary dwellings) are a great solution to provide affordable rental and homes for aging parents.

Charles Stevenson, San Luis Obispo Planning Commission chair

Commissioner Hemalata Dandekar suggested that zoning for smaller homes and more units will create more affordable housing.

“Studio units, if you can build more of them on the same site, you might get more developers to build these kinds of projects,” Dandekar said. “I’d just urge (the city staff) to explore this.”

Commissioner Charles Stevenson also suggested allowing more secondary dwellings. “(Secondary dwellings) are a great solution to provide affordable rental and homes for aging parents,” Stevenson said. “It’s something we should really encourage and promote.”

Codron, however, noted that secondary units now require full impact fees and owner occupancy of one or both dwellings, and are part of a larger neighborhood discussion on housing. He said the city will limit growth to its 1 percent growth policy through its issuance of building permits as it phases in development projects.

Nick Wilson: [805-781-7922](tel:805-781-7922), [@NickWilsonTrib](https://www.instagram.com/NickWilsonTrib)

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# QuickFacts

 [census.gov/quickfacts/sanluisobispocitycalifornia](https://www.census.gov/quickfacts/sanluisobispocitycalifornia)

NOTICE: Due to a lapse in federal funding this website is not being updated. [Learn More](#)  
[What's New & FAQs](#)

## San Luis Obispo city, California

QuickFacts provides statistics for all states and counties, and for cities and towns with a **population of 5,000 or more**.

[Clear](#)

[Table](#)

[Map](#)

[Chart](#)

[Dashboard](#)

[More](#)

### Table

#### San Luis Obispo city, California

Population estimates, July 1, 2018, (V2018) [NA](#)

#### Population

Population estimates, July 1, 2018, (V2018)	<a href="#">NA</a>
Population estimates, July 1, 2017, (V2017)	47,541
Population estimates base, April 1, 2010, (V2018)	<a href="#">NA</a>
Population estimates base, April 1, 2010, (V2017)	45,164
Population, percent change - April 1, 2010 (estimates base) to July 1, 2018, (V2018)	<a href="#">NA</a>
Population, percent change - April 1, 2010 (estimates base) to July 1, 2017, (V2017)	5.3%
Population, Census, April 1, 2010	45,119

#### Age and Sex

Persons under 5 years, percent	3.7%
Persons under 18 years, percent	12.8%

Persons 65 years and over, percent	12.3%
Female persons, percent	48.6%
<b>Race and Hispanic Origin</b>	
White alone, percent	84.7%
Black or African American alone, percent(a)	2.2%
American Indian and Alaska Native alone, percent(a)	0.5%
Asian alone, percent(a)	5.6%
Native Hawaiian and Other Pacific Islander alone, percent(a)	0.0%
Two or More Races, percent	3.6%
Hispanic or Latino, percent(b)	17.1%
White alone, not Hispanic or Latino, percent	72.3%
<b>Population Characteristics</b>	
Veterans, 2013-2017	1,927
Foreign born persons, percent, 2013-2017	9.2%
<b>Housing</b>	
Housing units, July 1, 2017, (V2017)	<u>X (Not applicable)</u>
Owner-occupied housing unit rate, 2013-2017	38.3%
Median value of owner-occupied housing units, 2013-2017	\$590,800
Median selected monthly owner costs -with a mortgage, 2013-2017	\$2,279
Median selected monthly owner costs -without a mortgage, 2013-2017	\$450
Median gross rent, 2013-2017	\$1,403
Building permits, 2017	<u>X (Not applicable)</u>
<b>Families &amp; Living Arrangements</b>	
Households, 2013-2017	18,728
Persons per household, 2013-2017	2.44
Living in same house 1 year ago, percent of persons age 1 year+, 2013-2017	66.8%



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Language other than English spoken at home, percent of persons age 5 years+, 2013-2017	16.7%
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**Computer and Internet Use**

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Households with a computer, percent, 2013-2017	92.9%
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Households with a broadband Internet subscription, percent, 2013-2017	88.0%
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**Education**

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High school graduate or higher, percent of persons age 25 years+, 2013-2017	92.6%
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Bachelor's degree or higher, percent of persons age 25 years+, 2013-2017	49.1%
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**Health**

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With a disability, under age 65 years, percent, 2013-2017	5.7%
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Persons without health insurance, under age 65 years, percent	7.5%
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**Economy**

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In civilian labor force, total, percent of population age 16 years+, 2013-2017	60.8%
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In civilian labor force, female, percent of population age 16 years+, 2013-2017	60.3%
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Total accommodation and food services sales, 2012 (\$1,000)(c)	220,943
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Total health care and social assistance receipts/revenue, 2012 (\$1,000)(c)	685,502
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Total manufacturers shipments, 2012 (\$1,000)(c)	219,233
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Total merchant wholesaler sales, 2012 (\$1,000)(c)	442,399
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Total retail sales, 2012 (\$1,000)(c)	1,390,690
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Total retail sales per capita, 2012(c)	\$30,313
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**Transportation**

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Mean travel time to work (minutes), workers age 16 years+, 2013-2017	15.2
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**Income & Poverty**

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Median household income (in 2017 dollars), 2013-2017	\$49,640
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Per capita income in past 12 months (in 2017 dollars), 2013-2017	\$29,748
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Persons in poverty, percent	32.4%
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People

**Businesses**

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Total employer establishments, 2016	<u>X (Not applicable)</u>
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Total employment, 2016	<u>X (Not applicable)</u>
Total annual payroll, 2016 (\$1,000)	<u>X (Not applicable)</u>
Total employment, percent change, 2015-2016	<u>X (Not applicable)</u>
Total nonemployer establishments, 2016	<u>X (Not applicable)</u>
All firms, 2012	5,579
Men-owned firms, 2012	2,856
Women-owned firms, 2012	1,654
Minority-owned firms, 2012	753
Nonminority-owned firms, 2012	4,385
Veteran-owned firms, 2012	525
Nonveteran-owned firms, 2012	4,590

Businesses

### Geography

Population per square mile, 2010	3,531.3
Land area in square miles, 2010	12.78
FIPS Code	0668154

Geography

### About datasets used in this table

#### Value Notes

Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info <sup>3</sup> icon to the left of each row in TABLE view to learn about sampling error.

The vintage year (e.g., V2018) refers to the final year of the series (2010 thru 2018). *Different vintage years of estimates are not comparable.*

#### Fact Notes

- (a)Includes persons reporting only one race
- (b)Hispanics may be of any race, so also are included in applicable race categories
- (c)Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data

## Value Flags

- \_Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or upper interval of an open ended distribution.
- DSuppressed to avoid disclosure of confidential information
- FFewer than 25 firms
- FNFootnote on this item in place of data
- NANot available
- SSuppressed; does not meet publication standards
- XNot applicable
- ZValue greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

## Letter 3

**COMMENTER:** Nicholas Whipps and Ashley McCarroll, Wittwer Parkin LLP

**DATE:** January 4, 2019

### Response 3-1 – Introduction & Project Description

The commenter summarizes the project description, and states concerns related to the following project description components:

- Potential off-site access improvements;
- Floor area of the residential component of the project;
- Whether the existing mobile home units on the project site are vacant or non-vacant;
- The level of detail provided regarding the proposed General Plan and Airport Area Specific Plan (AASP) amendments;
- Whether the project would require state or federal permits;
- The projected population increase associated with the project; and
- Whether the project is within the City Limits.

The project includes General Plan and AASP amendments, a rezone of 10.1 acres of the property to Service Commercial with the Specific Plan overlay (C-S-SP), and a Conditional Use Permit for a mixed-use project within the C-S-SP zone. The project does not include a development plan; however, the Draft IS-MND includes several mitigation measures that impose requirements on future development plans on the project site. The Draft IS-MND includes a conceptual site plan that depicts potential vehicle access to the project site through the adjacent properties to the west and east, and potential pedestrian/bicycle access to the project site through the Damon Garcia-Sports Fields to the north. The exact location of access to the project site through these identified areas is not yet finalized. However, the locations of potential off-site access improvements are shown in Figure 4 of the Draft IS-MND, and the Draft IS-MND includes analysis to address the full range of potential environmental effects within these improvement areas.

The Draft IS-MND includes the number of buildings, as well as the number of residential units and square footage of commercial and mixed-use development in Section 7 of the Initial Study, Description of Project, and Table 4, Summary of Conceptual Site Plan. The project proposes approximately 17,500 square feet of commercial space and 249 residential units.

The existing mobile home park includes 35 mobile units that would be removed to facilitate development of the project site. The Draft IS-MND states that the existing mobile units are vacant. However, 13 of the existing 35 mobile units are occupied by rental tenants with limited leases based on the commencement of the project. The project includes approval of a mobile home park Conversion Impact Report (CIR), which documents replacement housing assistance activities, pursuant to Section 5.45.030 of the Conversion Ordinance. Pursuant to Section 5.45.150 of the City Municipal Code, current tenants would be given priority for renting units in the new development. All of the existing mobile units would be vacated pursuant to the limited leases with the property owner prior to development of the project site. Section 7 of the Initial Study, Description of Project, has been revised to reflect the existing occupancy level of the existing mobile units.

The Draft IS-MND description of the proposed amendment to the General Plan, and the associated map and text amendments to the AASP, provided a sufficient basis for the environmental analysis. For further clarification, the following additional detail is provided. The General Plan Amendment is requested to make changes to the project site's land use designation in the City's Land Use Element. The 3.25-acre Business Park (BP) portion of the site and the 6.85-acre Medium-Density Residential (MDR) portion of the site would be re-designated to Services & Manufacturing (S-M). Associated text amendments to the AASP would include the following:

1. Revise Figure 4-1 in the AASP to the land use designation map of the AASP to designate the 3.25-acre BP portion of the site and the 6.85-acre MDR to S-M; change the zoning of the 3.25-acre Business Park (BP-SP) portion of the site and the 6.85-acre Medium Density Residential (R-2-SP) portion of the site to C-S-SP as depicted in Figure 2;
2. Update the AASP area build-out statistics in Table 4.1;
3. Add a note to Section 4.2.2 "Service Commercial" to stipulate that the development of this specific site would be for a commercial and residential mixed-use project with a predominant residential component; and
4. Strike the reference to the mobile home park development in the discussion of Section 4.2.6 "Medium Density Residential (R-2)."

As described in Section 9 of the Initial Study, Other Public Agencies Whose Approval is Required, development of the project site, including widening of Tank Farm Road along the project's frontage and the potential off-site access improvement areas, may involve work within Acacia Creek and/or Orcutt Creek, which may require permitting per Section 401/404 of the Clean Water Act from the U.S. Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB). Any permits would be required to be obtained from the state and federal agencies prior to issuance of grading permits by the City of San Luis Obispo. Potential environmental effects associated with work in Acacia Creek and/or Orcutt Creek, and requirements that may be imposed on the project by permitting agencies (e.g., California Department of Fish & Wildlife [CDFW], USACE, RWQCB, Federal Emergency Management Agency [FEMA]), are discussed in Section 4 of the Environmental Checklist, Biological Resources.

The project baseline includes 35 existing mobile units on the project site, 13 of which are currently occupied by rental tenants with limited leases based on the commencement of the project. The Draft IS-MND estimates that the project would result in approximately 498 new residents, based on a net increase of 214 residential units (249 potential new residential units minus 35 existing mobile units), and a Citywide average residential density of 2.33 persons per household (pph) (Department of Finance [DOF] 2017). Using a more conservative estimate of the net increase in residential units (249 potential new residential units minus 13 existing occupied mobile units) and the most recently available DOF average residential density for the City of San Luis Obispo (2.27 pph, DOF 2018), the project would result in approximately 536 new residents. The following sections of the Draft IS-MND have been revised to use this more conservative estimate of potential new residential growth, which is based on the most recent available population data from DOF:

- Section 3 of the Environmental Checklist, Air Quality
- Section 7 of the Environmental Checklist, Greenhouse Gas Emissions
- Section 13 of the Environmental Checklist, Population and Housing
- Section 14 of the Environmental Checklist, Public Services

- Section 15 of the Environmental Checklist, Recreation

None of the resulting revisions to the Draft IS-MND result in new or increased environmental impacts not already discussed in the Draft IS-MND. No other sections of the Draft IS-MND rely on the estimated residential growth to draw analytical conclusions regarding the project's potential environmental impacts.

The project site is located within the City Limits.

### **Response 3-2 - Aesthetics**

The commenter claims that the Draft IS-MND incorrectly identifies the project site as occurring in the "moderate" scenic value section of Tank Farm Road, and that the analysis of General Plan policies designed to protect the aesthetic values of the project site is inadequate.

As shown on Figure 11, Scenic Roadways and Vistas, in the City's General Plan Conservation and Open Space Element, Tank Farm Road west of Broad Street has a "high or moderate scenic value outside city limit" (City of San Luis Obispo 2014a). However, the Draft IS-MND identifies Tank Farm Road as having high scenic value west of the intersection with Santa Fe Road, and moderate scenic value east of the intersection with Santa Fe Road. Section 1 of the Environmental Checklist, Aesthetics, in the IS-MND has been revised to reflect Figure 11 in the City's General Plan Conservation and Open Space Element. This revision would not affect the analysis of impacts and significance conclusions regarding scenic vistas and visual character and quality in the Draft IS-MND.

The Draft IS-MND adequately analyzes whether the project would (1) have a substantial adverse effect on a scenic vista (Checklist Item 1.a.) or (2) substantially degrade the existing visual character or quality of the site and its surroundings (Checklist Item 1.c.). Project impacts to scenic vistas and visual character and quality would be less than significant because future three-story buildings facilitated by the project would block views from Tank Farm Road of other structures to the east, but would not block views of hillsides or other natural resources. In addition, the project would not degrade or block any designated high scenic views or otherwise degrade the existing quality of the site or surroundings, and 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. Project impacts to scenic vistas and visual character and quality would be less than significant.

The Draft IS-MND also states, "The project would be required to adhere to applicable policies and programs in the City's General Plan Conservation and Open Space and Circulation Elements, including Circulation Element Policy Policies 9.1.5 and 9.2.1, which require environmental review to ensure that the City preserves and improves views from public scenic places." The project complies with such policies and programs in the City's General Plan in that the Draft IS-MND provides the environmental review required in these policies and programs. Therefore, the City is not deferring environmental review requirements in the General Plan; rather, the Draft IS-MND for the project fulfills the City's requirement to conduct environmental review of the project, pursuant to CEQA. Therefore, the analysis of impacts and significance conclusions regarding scenic vistas and visual character and quality are adequate and no further analysis is required.

### Response 3-3 – Air Quality

The commenter states that the air quality analysis in the Draft IS-MND does not analyze cumulative impacts for air quality and other issues areas, incorrectly assumes that the existing mobile home park is operational, does not fully account for the potential increase in population, incorrectly evaluates the project's potential increase in vehicle travel, does not correctly analyze consistency with the City's Land Use and Transportation Control Measures (TCMs), and that the required mitigation measures would not adequately address identified impacts.

Section 3 of the Environmental Checklist, Air Quality, evaluates whether the project would conflict with or obstruct implementation of the SLOAOC 2001 Clean Air Plan. The Clean Air Plan has been developed by the San Luis Obispo Air Pollution Control District (SLOAPCD) to attain and maintain attainment with federal and State air quality standards for the South Central Coast Air Basin (SCCAB). Based on SLOAPCD standards, projects that are consistent with the Clean Air Plan and would not exceed applicable SLOAPCD significance thresholds would not result in significant cumulative air quality impacts. Because the project is consistent with SLOAPCD's long-term planning effort to attain and maintain attainment with federal and State air quality standards, and because the project would not exceed applicable SLOAPCD significance thresholds with required mitigation, the project would not result in a significant contribution to a cumulative air quality impact. The commenter notes that the Avila Ranch Development Project EIR concluded that project would result in a significant and unavoidable cumulative air quality impact; however, this conclusion was reached on the basis that the Avila Ranch Development Project was found to result in operational emissions of NO<sub>x</sub>, ROG, PM<sub>10</sub>, and PM<sub>2.5</sub> that would not be mitigable below applicable SLOAPCD significance thresholds. This is not the case for the proposed 650 Tank Farm Road Mixed-Use Project. Other cumulative impacts are discussed in the Draft IS-MND in Section 19 of the Environmental Checklist, Mandatory Findings of Significance.

The operational emissions estimates shown in Table 4 of the Draft IS-MND assume that the existing mobile home park land use is operational. As discussed in Response 3-1, this is consistent with the environmental baseline for the project. The emissions estimates provided in Table 4 of the Draft IS-MND for both the existing mobile home park land use and the potential development on the site with implementation of the project are based on the total number of units (249 new residential units and 35 existing residential units), standard default SLOAPCD assumptions for these land use types, and other project-specific factors and data provided in the Draft IS-MND. This approach to estimating project emissions is consistent with recommended methodologies from SLOAPCD's *CEQA Air Quality Handbook* (2012).

The estimated increase in residential population that would result from the project is discussed in Response 3-1. SLOAPCD identifies significant impacts related to consistency with the 2001 CAP by determining whether a project would exceed the population projections used in the CAP for the same area. The commenter provides estimates of current and future population in the City of San Luis Obispo from several sources. The Draft IS-MND evaluates the project's consistency with SLOCOG population growth estimates used by SLOAPCD for the purpose of evaluating the project's consistency with the SLOAPCD Clean Air Plan. Therefore, the SLOCOG *2050 Regional Growth Forecast*, which was adopted by SLOCOG in June 2017, is the appropriate source for future population projections. As described in the Draft IS-MND, the anticipated increase in residential population of 498 new residents (revised to 536 new residents based on Response 3-1) would not cause the City's population to exceed the population projects contained in the Clean Air Plan. The project would not result in a significant contribution to a cumulative air quality impact.

The Draft IS-MND concludes that the project would not result in an increase in the City's daily vehicles miles traveled (VMT) that would exceed the increase in population. The commenter states that the project would exceed the estimated General Plan daily trip volume under buildout conditions. The Draft IS-MND compares the growth in VMT from the project to General Plan buildout conditions, but does not conclude that the project would be inconsistent with General Plan buildout projections. The commenter's statement is not supported by evidence. The commenter also states that the estimated VMT increase is incorrect due to their earlier critique of the population estimation methodology; however, as described in Section 16 of the Environmental Checklist, Transportation/Traffic, and Appendix E, the transportation study, the trip generation estimates used in the Draft IS-MND are based on the net change in the number of residential units and square footage of non-residential development, rather than estimated residential population growth.

It should also be noted that while earlier SLOAPCD guidance recommended evaluation of a project's consistency with population growth estimates and projected vehicle trip rate increases to determine whether a project would be consistent with the Clean Air Plan, Section 3.2 of the 2012 SLOAPCD *CEQA Air Quality Handbook* states that projects that are consistent with the Land Use Measures and TCMs and the strategies outlined in the Clean Air Plan are consistent with the Clean Air Plan. As described in the Draft IS-MND, the Clean Air Plan land use strategies include locating residential development within an urban area proximate to existing roadways and locating new development near transit services and commercial and retail shopping areas. The SLOAPCD TCMs encourage co-location of new development and local transit connections, transit infrastructure and connectivity improvements, bicycling and bikeway enhancements, and traffic flow improvements. The project would locate mixed-use development in close proximity to stops on the SLO Transit 1A (Johnson/Tank Farm) route, as well as commercial business park and industrial uses south of Tank Farm and east of Broad Street. Broad Street and Tank Farm Road both have Class II bike lanes on both sides of the road throughout the study segments. The Draft IS-MND describes the manner in which the project would be consistent with these applicable Clean Air Plan Land Use Measures and TCMs. As a result of these project components, the Draft IS-MND concludes that the project would be consistent with applicable Land Use Measures, TCMs, and the strategies outlined in the Clean Air Plan, and that the project would be consistent with the Clean Air Plan.

The Draft IS-MND identifies potentially significant air quality impacts associated with long-term emissions during project operation and impacts to sensitive receptors in the project vicinity during project construction, and requires Mitigation Measure AQ-1(a), SLOAPCD Operational Emissions Reduction Measures, and Mitigation Measure AQ-1(b), Fugitive Dust Control Measures, to address these impacts. The commenter states that the Draft IS-MND does not quantify reductions that would be achieved by the required mitigation measures. Mitigation Measure AQ-1(a) addresses identified impacts associated with long-term emissions during project operation consistent with SLOAPCD's guidance that projects with the potential to generate at least 25 but less than 30 lbs/day of combined ROG + NO<sub>x</sub> should implement at least four measures from the SLOAPCD *CEQA Air Quality Handbook's* mitigation measure list (Table 3-5). These measures have been developed by SLOAPCD to enhance the consistency of projects with the goals and policies of the Clean Air Plan, and SLOAPCD has identified the measures as contributing to achieving and maintaining attainment of State and federal ambient air quality standards, and thereby protecting human health and the environment. SLOAPCD does not quantify the potential emission reduction that may be achieved by the measures in Table 3-5. Therefore, additional detail has been added to the discussion of Mitigation Measures in Section 3 of the Environmental Checklist, Air Quality, and to Mitigation



Measure AQ-1(a), to demonstrate quantitatively that compliance with Mitigation Measure AQ-1(a) would achieve the required reduction in ozone precursor emissions.

During preparation of the updated language for Section 3 of the Environmental Checklist, Air Quality, described in the previous paragraph, the emissions estimates prepared for the Draft IS-MND were updated to incorporate additional project-specific weekend traffic data, and to account for additional aspects of the project setting that affect anticipated vehicle trip generation and trip lengths. The internal capture and trip diversion rates were applied uniformly to weekday and weekend trip generation. In addition, 150 daily trips were removed from estimated future weekday and weekend trips to account for the existing land use (the 150 trips were based on traffic counts conducted as part of the transportation study (Appendix E). The project setting was updated to account for on-site pedestrian improvements and intensification of residential units and employment (the project would provide approximately 25 dwelling units per acre and approximately 1 job per acre). As a result, the emissions estimates in Tables 3 and 4 of the Draft IS-MND, and the CalEEMod results in Appendix A, have been updated.

In November 2017 SLOAPCD published a Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook, which clarify the mitigation measure list in Table 3-5, and states that alternate mitigation measures may be suggested by the project proponent if the SLOAPCD-suggested measures are not feasible. Mitigation Measure AQ-1(a) has been revised to incorporate applicable mitigation options from the updated mitigation measure list in the November 2017 SLOAPCD Clarification Memorandum.

Attachment 4 to the November 2017 SLOAPCD Clarification Memorandum also notes the improvements in air quality in San Luis Obispo County that have occurred as a result of factors including implementation of SLOAPCD's Clean Air Plan, federal, state and local regulations, APCD-administered incentive programs, and a reduction in mobile source emissions. These observed improvements can be also be estimated for future development. For informational purposes, the project operational emissions estimated in the Draft IS-MND for buildout by 2021 have been estimated for 2023 and 2025. These estimates identify that by 2023 the project's net daily emissions of ROG + NO<sub>x</sub> would not exceed the SLOAPCD daily threshold of 25 lbs/day, and by 2025 the project's gross daily emissions would not exceed the SLOAPCD daily threshold.

Mitigation Measure AQ-1(b) addresses identified impacts to sensitive receptors in the project vicinity during project construction consistent with SLOAPCD's guidance that standard dust control measures be implemented for construction activities where sensitive receptors are located within 1,000 feet of the project site and development of the project site would involve grading of more than 4.0 acres.

### **Response 3-4 – Biological Resources**

The commenter states that:

- The analysis of impacts to special status plants does not support a less-than-significant conclusion; specifically, the commenter states that the City does not prohibit construction prior to conducting special status plant surveys;
- Mitigation measures associated with animal species protected under the federal and state Endangered Species Acts would not effectively mitigate impacts to less-than-significant levels; and
- The evaluation of impacts to wildlife movement is not supported by evidence and analysis.

### Special Status Plant Species

As stated in Section 4 of the Environmental Checklist, Biological Resources, of the Draft IS-MND, six special status plant species were determined to have potential to occur within the project's biological study area, based on the presence of suitable habitat, which occurs within the creek margins and setbacks around Orcutt Creek and Acacia Creek, and the wetland and grassland on the northern portion of the study area. The Draft IS-MND identifies the potential for significant impacts to special status plants if ground disturbance occurs within the suitable habitat areas on the project site and at the potential off-site improvement areas. The Draft IS-MND includes three mitigation measures to minimize and reduce potentially significant impacts to special status plant species to less-than-significant levels. Mitigation Measure BIO-1(a) requires a survey for special status plants within suitable habitat by a qualified biologist prior to vegetation management and construction activities. The survey must be conducted at a time when the six special status plant species with potential to occur in the study area are recognizable (i.e., usually during the blooming period for the species). The survey will be valid for five years and must be repeated if construction has not commenced within that five-year period. Accordingly, Mitigation Measure BIO-1(a) prohibits the start of vegetation management activities on the project site and any construction activities within potential off-site improvement areas. This mitigation measure would be enforced by the City in that no grading or building permits would be issued to the project developer prior to completion of the special status plant survey. In addition, Mitigation Measures BIO-1(b) and BIO-1(c) provide measures to be implemented if any special status plants are discovered during the survey, including avoidance and, if avoidance is not feasible, replacement of individual plants at a minimum 2:1 ratio during habitat restoration. Accordingly, with implementation of Mitigation Measures BIO-1(a) through BIO-1(c), potential impacts to special status plants would be less than significant. Therefore, the analysis of impacts, significance conclusions, and mitigation measures regarding special status plants species are adequate and no further analysis or mitigation is required.

### Federally- and State-Listed Animal Species

The biological study area was assessed for the potential to support special status animal species by qualified biologists. This assessment concluded that the project site and/or potential off-site improvement areas contains suitable habitat for three federally-listed animal species (California red-legged frog [*Rana draytonii*] and south-central California Coast distinct population segment steelhead [steelhead; *Oncorhynchus mykiss irideus*]) and one state-listed animal species (American bald eagle [*Haliaeetus leucocephalus*]). No other federally- and/or state-listed animal species have the potential to occur within the study area. The Draft IS-MND states that the project has the potential to result in significant impacts to the three aforementioned species but includes mitigation measures to minimize and reduce potential impacts to less-than-significant levels.

With regard to California red-legged frog, the majority of the habitat on the project site is not suitable for the species. California red-legged frog would only be expected to occur in disturbance areas incidentally, if at all, during periods of overland movement occurring during or immediately after rainstorms, due to the disturbed nature and limited vegetative cover in the project footprint. Nonetheless, Mitigation Measure BIO-2(c) requires a pre-construction survey for California red-legged frog, and, if the species is observed in the work area during pre-construction surveys or during construction of the project, construction activities will be halted and the developer will be required to comply with all relevant requirements of the Federal Endangered Species Act prior to resuming project activities. The developer may elect to pursue take coverage through consultation with U.S. Fish and Wildlife Service (USFWS) under Section 10 of the Endangered Species Act, or through Section 7 if there is a federal nexus such as a permit under the Clean Water Act. If the

applicant does not obtain take coverage, the project would be required to fully avoid take of California re-legged frog.

During biological surveys of the study area, no water or steelhead were observed within Acacia Creek where project construction would occur. However, if steelhead are present within the work area during modifications to the existing crossing over Acacia Creek, significant impacts to steelhead could occur. Implementation of Mitigation Measure BIO-2(e) would ensure avoidance and/or minimization of potential impacts to steelhead. Mitigation Measure BIO-2(e) restricts construction of the proposed widening of existing crossing over Acacia Creek to the dry season (April 16 through October 31). In addition, the proposed widening of the crossing will comply with City design standards and will not impede wildlife movement.

The American bald eagle has potential to nest and/or forage on or near the project site. The project is not anticipated to result in removal of substantial foraging habitat for raptors due to the existing development and disturbed condition of the project site; therefore, no impact to bald eagle foraging habitat would occur as result of the project. No bald eagle nest was observed on or near the project site during the biological survey for the project but it is possible that an active bald eagle nest could occur in the area prior to project construction. Mitigation Measure BIO-2(f) would be required to avoid and/or minimize potential impacts to nesting bald eagles (as well as other migratory and protected bird species) to a less-than-significant level. Mitigation Measure BIO-2(f) requires pre-construction surveys for nesting birds be conducted no more than 14 days prior to vegetation removal. If active nests are discovered, this mitigation measure includes additional actions necessary to avoid/minimize impacts to nesting birds in accordance with the California Fish and Game Code and Migratory Bird Treaty Act. Specifically, if a bald eagle nest is discovered, a no-activity buffer a minimum of 660 feet from the nest will be implemented until appropriate authorizations are obtained in consultation with the City, USFWS, and California Department of Fish and Wildlife (CDFW).

Accordingly, because no federally- or/and state-listed animal species are known to occur on or near the project site at this time, there is currently no requirement for the City or project applicant to consult with USFWS or CDFW. If special status species are detected in the project area prior to or during construction, work will be halted and the appropriate consultation with the wildlife agencies would occur. Therefore, the analysis of impacts, significance conclusions, and mitigation measures regarding federally- and state-listed animal species are adequate and no further analysis or mitigation is required.

### **Wildlife Movement**

The impact analysis and significance conclusion for wildlife movement corridors presented in the Draft IS-MND are summarized from the detailed analysis included in the project-specific Biological Resources Assessment prepared in August 2018 by qualified biologists at Rincon Consultants, Inc. The Biological Resources Assessment is included as Appendix B of the Draft IS-MND. Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Wildlife movement corridors can be large (regional) or small (local) in scale.

Regionally, the project site and immediate vicinity are not located within an Essential Connectivity Area (ECA) as mapped in *California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California*, prepared by CDFW and California Department of Transportation in 2010. ECAs are regions in which land conservation and management actions should be prioritized to

maintain and enhance ecological connectivity. Therefore, no impact to regional wildlife movement corridors would occur as result of the project.

Within the project area, Acacia Creek and Orcutt Creek provide suitable small-scale corridors for wildlife to travel locally; however, the existing crossing over Acacia Creek is likely a barrier to fish passage due to its small capacity, and the formation of a scour pool below the outfall of the elevated culvert suspended five feet from the bed on the south side of the crossing. No other wildlife movement corridors occur on or near the project site as the majority of the project site and surrounding area is not conducive to frequent use as a movement corridor due to existing development and hardscapes.

As stated in the Draft IS-MND, construction of potential off-site improvements could potentially result in temporary short-term impacts to local wildlife movement within and near the project site. In addition, future development facilitated by the proposed project would result in increased residential development in proximity to the wildlife movement corridors along Acacia Creek and Orcutt Creek. However, because the project site and immediate vicinity are already developed and disturbed, the increase in lighting, noise, and human activity onsite due to future development associated with the project would not result in a substantial change or long-term impact to wildlife movement. Furthermore, the proposed modified crossing over Acacia Creek could result in net improvements to flow and passage potential and future development would be designed consistent with the City's required 35-foot creek setback from Orcutt Creek and Acacia Creek, which would ensure that development would not result in long-term adverse effects to these local wildlife movement corridors. Accordingly, impacts to local wildlife movement corridors would be less than significant. Therefore, the analysis of impacts and significance conclusions regarding wildlife movement corridors are adequate and no further analysis is required.

### **Response 3-5 – Cultural Resources**

The commenter states that the paleontological resources impact analysis in the Draft IS-MND is inadequate as the analysis does not specifically state the maximum grading depth required for the proposed project, and the impact analysis related to human remains is incorrect as the analysis states that there is a potential to encounter human remains but does not include any mitigation.

The analysis of potential impacts to paleontological resources in the Draft IS-MND is based on the project-specific Paleontological Resources Assessment dated November 2017, which is included as part of the Draft IS-MND as Appendix C. As discussed in the Draft IS-MND, sediments at ground surface at the project site have low paleontological sensitivity but sediments that have high paleontological sensitivity underlie the project site at as few as six feet below ground surface. Because the maximum depth of ground disturbance would not be determined until project design is finalized, the Draft IS-MND conservatively determines that impacts to paleontological resources would be significant and includes mitigation measures to reduce potential impacts to less than significant levels. As stated in the first paragraph under "Mitigation Measures" under Section 5 of the Environmental Checklist, Cultural Resources, implementation of Mitigation Measures CR-3(a) through CR-3(c) would be required during all phases of project construction that would disturb the buried Pleistocene alluvium (approximately six feet below ground surface). These mitigation measures, which include monitoring of ground-disturbing activities within previously undisturbed sediments at depths greater than six feet by a paleontological monitor, would ensure that any significant fossils present on-site are preserved through the recovery, identification, and curation of previously unrecovered fossils. Therefore, the analysis of impacts, significance conclusions, and

mitigation measures regarding paleontological resources are adequate and no further analysis or mitigation is required.

The Draft IS-MND acknowledges that ground-disturbing activities associated with project construction has the potential to encounter or disturb undiscovered human remains, which is true for any project that includes ground disturbance. Accordingly, all projects within California are subject to compliance with the State of California Health and Safety Code Section 7050.5, which requires immediate halting of activities at and near the discovery of human remains until the County Coroner has determined origin and disposition pursuant to Public Resources Code Section 5097.98. In addition, the project site is not in an area with known cemeteries. Because all projects in California are required by law to comply with Health and Safety Code Section 7050.5 and no known cemeteries occur on or near the project site, the potential for project construction to disturb previously undiscovered human remains would not constitute a significant impact under CEQA, and does not require additional mitigation beyond compliance with applicant laws and regulations pertaining to the handling of human remains. Therefore, the analysis of impacts and significance conclusions regarding disturbance of human remains are adequate and no further analysis or mitigation is required.

### **Response 3-6 – Geology and Soils**

The commenter states that the existing (baseline) conditions, impact analyses, and mitigation measures related to geology and soils in the Draft IS-MND are inadequate as the Draft IS-MND does not state the project-specific impacts to geology and soils and therefore cannot provide mitigation that would reduce impacts to less than significant levels.

Existing geology and soil conditions on the project site are provided under “Setting” in Section 6 of the Environmental Checklist, Geology and Soils. The analysis of impacts to geology and soils is directly based upon these existing conditions. The Draft IS-MND acknowledges that 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. The 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. Because a site-specific investigation regarding liquefaction has not yet been prepared, the Draft IS-MND conservatively states that potential geotechnical hazards would be a potentially significant impact since development of the site could result in the exposure of people or structures to liquefaction hazards. Mitigation Measure GEO-1 in the Draft IS-MND requires preparation of a site-specific geotechnical study and incorporation of all applicable engineering requirements and recommendations included in the geotechnical study into the project site plans. Furthermore, the project applicant is required to submit the geotechnical study for approval by the City prior to site development. Approval of the geotechnical study and site plans by the City is required before the grading and building permits can be issued for the project. Therefore, the analysis of impacts, significance conclusions, and mitigation measures regarding geology and soils are adequate and no further analysis or mitigation is required.

### **Response 3-7 – Greenhouse Gas Emissions**

The commenter states that the greenhouse gas (GHG) emissions analysis in the Draft IS-MND does not provide justification for using the SLOAPCD’s GHG efficiency threshold, does not accurately address the most recent legislative guidance and goals in Senate Bill 32 (SB 32), and does not

correctly address the project's consistency with the City's Climate Action Plan and the California Air Resources Board's (ARB) 2017 Scoping Plan.

The Draft IS-MND describes the GHG emissions thresholds recommended by SLOAPCD, which include consistency a qualified GHG reduction strategy, a bright-line threshold, and an efficiency threshold. The SLOAPCD's *CEQA Air Quality Handbook* (2012) states that lead agencies may use any of the three options to determine the significance of a project's GHG emissions impact to a level of certainty. The efficiency threshold is appropriate for large projects that may exceed the bright-line threshold because of their size, but would otherwise incorporate emissions-reducing features and/or that are located in a manner that results in relatively low VMT. In addition, the DRAFT IS-MND evaluates the project's consistency with the City's Climate Action Plan and the goals of ARB's 2017 Scoping Plan.

The commenter notes that SLOAPCD's CEQA guidance was last updated in 2012 in reference to the GHG targets adopted under Assembly Bill 32 (AB 32). The Draft IS-MND's discussion of GHG significance thresholds includes a summary of the background and timing of AB 32, the SLOAPCD *CEQA Air Quality Handbook*, and the City's Climate Action Plan, as well as SB 32 and the ARB 2017 Scoping Plan. The evaluation of potential GHG emissions impacts in the Draft IS-MND compares anticipated project emissions to quantitative thresholds developed by SLOAPCD to address the requirements of AB 32, as well as quantitative thresholds included in ARB's 2017 Scoping Plan to address the requirements of SB 32. In addition, the Draft IS-MND includes qualitative discussions of the project's consistency with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions.

The Draft IS-MND describes the manner in which the project would be consistent with the goals and policies in the City's Climate Action Plan and the ARB's 2017 Scoping Plan, including by locating mixed-use development in close proximity to transit services, as well as existing commercial business park and industrial uses, which facilitates walking, biking, and use of transit. In addition, as noted above, the IS-MND describes the project's consistency with the six metric tons CO<sub>2</sub>e per capita goal, which would be consistent with the 2030 statewide target established by SB 32. As a result of these project components, the Draft IS-MND concludes that the project would be consistent with the emissions reduction goals of the City's Climate Action Plan and the ARB 2017 Scoping Plan.

The commenter states that the discussion of the project's consistency with the 2017 Scoping Plan is impermissible pursuant to the California Supreme Court's decision in the *Center for Biological Diversity v. Department of Fish & Wildlife* case. The Court's decision identified three potential options for evaluating the significance of a project's GHG emissions:

- A lead agency may determine what level of reduction a project must contribute to comply with statewide goals.
- A lead agency may assess consistency with AB 32's goal by evaluating compliance with regulatory programs designed to reduce GHG emissions from particular activities, such as high building efficiency and conservation standards.
- A lead agency may use an existing quantitative threshold of significance for GHG emissions, providing there is substantial evidence that the threshold would be consistent with the state's emissions reduction goals.

The Draft IS-MND evaluates the project's consistency with the full range of locally adopted quantitative and qualitative standards and policies, as well as available statewide guidance

identified in the 2017 Scoping Plan, all of which are based on substantial evidence regarding local and statewide emissions, and the measures that projects can follow to attain the state's emissions reduction goals. Based on this comprehensive evaluation, the Draft IS-MND concludes that the project's GHG emissions would result in a less than significant impact.

### **Response 3-8 – Hazards and Hazardous Materials**

The commenter states that the hazards and hazardous materials analysis in the Draft IS-MND incorrectly concludes that no schools are located within one-quarter mile of the project site, does not confirm that Federal Aeronautics Administration consultation has occurred, and does not discuss whether any airport accidents occurred near the project site.

The Draft IS-MND reviewed the project site vicinity for public and charter schools, consistent with the guidance established in Public Resources Code Section 21151.4 and CEQA Guidelines Section 15186, which consider potential impacts to public school districts. In addition, because the project is primarily residential and commercial in nature, it would not reasonably be anticipated to emit hazardous air emissions or handle hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code.

The Draft IS-MND reviewed the project for potential hazards, and determined that such hazards would be less than significant. Consistent with the requirements described in 14 Code of Federal Regulations Part 77, notification of proposed construction near the airport would be submitted 45 days prior to construction or the date when the building application is filed, whichever is earlier. This notification requirement is independent of the requirements of CEQA pertaining to potential airport hazards, and is not required to establish that the project's impacts would be less than significant.

As described in Section 8 of the Environmental Checklist, Hazards and Hazardous Materials, there have been five incidents resulting in emergency landings within the Land Use and Circulation Element defined Airport Overlay Zones between 1984 and 2014, none of which occurred within or adjacent to the project site.

### **Response 3-9 – Hydrology and Water Quality**

The commenter states that the hydrology and water quality analysis in the Draft IS-MND incorrectly evaluates the proposed re-grading of the project site and associated flooding impacts, does not address potential residual impacts associated with the proposed re-grading, and does not accurately disclose baseline conditions regarding water quality impacts or evaluate cumulative water quality impacts.

The commenter states that the project ground elevations would be raised by the City, which is incorrect. As described in Section 7 of the Initial Study, Description of Project, the project applicant is proposing to re-grade the project site to raise building ground elevations above the existing 100-year floodplain as part of the project. As described in Section 9 of the Environmental Checklist, Hydrology and Water Quality, Mitigation Measure HYD-1 is required to ensure the resulting post-development floodplain would exclude areas proposed for housing and confirm that the Conditional Letter of Map Revision (CLOMR) application to redefine FEMA 100-year floodplain boundary is approved and an official letter of map revision (LOMR-F) is issued by FEMA. Because the project includes re-grading of the site to raise building ground elevations above the existing 100-year floodplain, and Mitigation Measure HYD-1 would ensure that the post-development floodplain

would exclude areas proposed for housing, potential floodplain impacts are identified as less than significant with mitigation.

The Draft IS-MND discusses the potential for the project to substantially alter existing drainage patterns or result in increased post-development flows, including the City requirement that the final grading plan be consistent with the requirements in the City's Drainage Design Manual, matching post-development flows to pre-development for the 2-year through 100-year storm events. The Draft IS-MND concludes that compliance with applicable permit requirements would ensure that the runoff flows are less than or equal to existing conditions, and that the project would not result in an increase in post-development peak runoff from the project site.

Section 9 of the Environmental Checklist, Hydrology and Water Quality, discusses the existing water quality in Orcutt Creek, Acacia Creek, and the San Luis Obispo Groundwater Basin. The Draft IS-MND discusses potential water quality impacts that may result from the proposed grading activities, including the requirements associated with the National Pollution Discharge Elimination System (NPDES) General Permit and the City's and Regional Water Quality Control Boards (RWQCB) Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region. The Draft IS-MND concludes that compliance with applicable permit requirements would ensure that the project would result in less than significant impacts to water quality. As discussed in Section 19 of the Environmental Checklist, Mandatory Findings of Significance, the project is consistent with General Plan goals, programs, and policies, and Municipal Code requirements for the proposed service commercial zoning, which have been developed by the City to protect natural resources, including local hydrology and water quality. Consistency with these local policies, and mitigation of site-specific hydrological and water quality impacts to a less than significant level would ensure that the project would not contribute substantially to cumulative impacts to hydrology and water quality.

### Response 3-10 – Land Use

The commenter states that the Draft IS-MND shifts the baseline in a manner that downplays the significant land use impacts of the project by treating the existing mobile home units on the project site as vacant, and does not evaluate whether the project would comply with applicable laws and policies to protect mobile home communities.

As discussed in Response 3-1, the existing mobile home park includes 35 mobile units that would be removed to facilitate development of the project site, 13 of which are occupied by rental tenants with limited leases based on the commencement of the project. Section 10 of the Environmental Checklist, Land Use and Planning, of the Draft IS-MND has been revised as follows to reflect the existing conditions on the project site:

*a. Would the project physically divide an established community?*

~~The property was previously utilized as a mobile home park; however the coaches remaining on site are currently vacant~~ existing mobile home park includes 35 mobile units that would be removed to facilitate development of the project site. All existing coaches are currently vacant or have limited leases based on the commencement of the project. ~~Therefore, no residents would be displaced with the redevelopment of the site.~~ There is one single-family home adjacent to the project site, but this residence does not use the project site for access. The proposed service commercial zoning would be consistent with the surrounding land uses. No project components would divide an established community, or place pressure on adjacent properties for future development.



The project includes approval of a mobile home park Conversion Impact Report (CIA), which documents replacement housing assistance activities, pursuant to Section 5.45.030 of the Conversion Ordinance. Pursuant to Section 5.45.150 of the City Municipal Code, current tenants would be given priority for renting units in the new development. Other applicable laws and policies pertaining to mobile home communities would be evaluated as part of the project approval process, but compliance with these laws and policies is not related to the potential for the project to result in a significant impact the land use and planning under the requirements of CEQA.

### **Response 3-11 – Noise**

The commenter states that Mitigation Measure N-1 does not reduce impacts to protected species or nearby noise-sensitive receptors. The Draft IS-MND also identifies Mitigation Measures N-2(a) and N-2(b), which would ensure that noise levels during construction of the project would not exceed the stationary equipment noise standards established in the City’s Municipal Code (Title 9, Chapter 9.12, Noise Control). These measures would reduce potentially significant temporary construction noise to a less than significant level. The Draft IS-MND evaluated long-term operational noise levels associated with on-site equipment and project-generated vehicle trips, and concluded that long-term operation of the project would not cause a project-level or cumulative increase in noise that would significantly impact on- or off-site noise-sensitive receptors or protected species.

### **Response 3-12 – Population and Housing**

The commenter states that the 2035 Citywide population estimate included in Section 13 of the Environmental Checklist, Population and Housing, is incorrect based on the City’s residential unit projection for 2035 and an average household size of 2.44 persons per residential unit, and is not consistent with the 2035 Citywide population estimate stated in other sections of the Draft IS-MND.

Section 13 of the Environmental Checklist, Population and Housing, relies upon the City’s 2014 Program EIR for the Land Use and Circulation Elements Update, which states that by 2035, the maximum number of residential units in the City would be 25,762. The Draft IS-MND also utilizes population and housing estimates provided by the DOF to determine the Citywide average residential density of 2.33 pph. As previously stated under Response 3-1, the most recent DOF estimate of average residential density in the City of San Luis Obispo is 2.27 pph. Using 2.27 pph, the projected 2035 Citywide population would be 58,479, which is an increase of 1,793 persons (3.2 percent) from the population of 56,686 presented in Section 13 of the Environmental Checklist, Population and Housing. This 3.2 percent increase in projected 2035 Citywide population does not affect the analysis of impacts or significance conclusions presented in the Draft IS-MND and no further analysis or mitigation is required.

### **Response 3-13 – Public Services**

The commenter states that project impacts to fire protection services should be considered significant due to the existing need to construct a new fire station and increase associated staff. The commenter also states that traffic, air quality, and GHG emissions impacts caused by transporting students associated with future development facilitated by the proposed project to and from schools have not been analyzed.

Based on the Environmental Checklist in Appendix G of the CEQA Guidelines, a significant impact to public services would occur if the project would “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.” As discussed in Section 14 of the Environmental Checklist, Public Services, the City’s 2009 Fire Master Plan (FMP) concludes that the City does not have enough primary neighborhood fire stations to deliver suburban response times to all outer areas of the City, including the Airport Area Specific Plan (AASP) area in which the project site is located. In April 2018, the City’s Fire Marshal reviewed the project, and determined that development facilitated by the project may worsen fire response times in the AASP (Maggio 2018). Also in April 2018, the City Council adopted amendments to the Capital Facilities Fee Program to include an impact fee program to pay for acquisition and construction of a new fire station in the southern area of the City. Future development facilitated by the project would be required to contribute its fair share to the costs of the planned new fire station prior to issuance of building permits. The Draft IS-MND concludes that, with payment into the impact fee program, impacts to fire protection from future development facilitated by the project would be less than significant. This conclusion is based on the fact that the project itself would not “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” because the project’s contribution to inadequate fire response times would be incremental. Although future development facilitated by the project could further exacerbate already deficient fire response times, insufficient response times would continue regardless of whether the project is approved and future development occurs on the project site. It is not reasonable to require one project to fully fund construction of a new fire station or the hiring of additional staff. Accordingly, it is common practice in many jurisdictions, including the City, to implement a fair-share funding program that allows developers to contribute monetary funds based on the land use and density of projects. In addition, it is noted that the City would assess the environmental impacts associated with construction and operation of the planned new fire station, pursuant to CEQA. Because the location and design of the planned fire station has not yet been identified, an evaluation of environmental impacts related to the fire station at this time would be speculative. Therefore, the analysis of impacts and significance conclusions regarding fire protection are adequate and no further analysis or mitigation is required.

The Draft IS-MND includes quantitative analyses of project impacts to traffic, air quality, and GHG emissions. Estimated project trip generation is based on the land use and density of a project. The project’s transportation study (Appendix E of the IS-MND) estimates the number of vehicle trips generated by the project using standard rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation Manual*, 9<sup>th</sup> Edition. The analysis of impacts associated with air quality and GHG emissions in the Draft IS-MND is based on the total (daily and annual) number of vehicle trips generated by the project. Therefore, the Draft IS-MND takes into account air pollutants and GHG emissions from all vehicle trips, including transporting future students to and from schools.

As discussed in the Draft IS-MND, future development associated with the project would also result in additional students to schools in the San Luis Coastal Unified School District (SLCUSD). Consistent with the requirements of Senate Bill (SB) 50, the project, similar to all projects in the City that include residential development, 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 schools service levels, including increases in capacity, which could require new or altered school facilities. The construction and operation of new SLCUSD facilities necessary to accommodate increases in student population would be required to comply with CEQA, including the consideration of the environmental effects associated with new SLCUSD facilities, which would ensure that

potential impacts associated with new school facilities (including impacts to traffic, air quality, and GHG emissions) are identified and, if required, mitigated to reduce or eliminate impacts. Accordingly, no further analysis or mitigation is required in the Draft IS-MND.

### **Response 3-14 – Traffic**

The commenter states that the Draft IS-MND incorrectly assumes planned improvements to City transportation facilities as part of the traffic analysis, and does not evaluate potential impacts to nearby intersections that may be affected by project traffic, including the SR 227/Buckley Road intersection and the Higuera/Prado Road intersection. Response 2-1 discusses the inclusion of planned transportation network improvements in the transportation study and Draft IS-MND. These improvement projects are “planned network and land use changes expected upon buildout of the City’s General Plan” (page 30) and with indicated funding in the Citywide Traffic Impact Fee program and in the San Luis Obispo General Plan Circulation Element.

Potential impacts to intersections not evaluated in the transportation analysis are discussed in Response 2-1. Based on the project trip generation and distribution provided in the transportation study, project traffic would not contribute to a substantial increase in traffic at SR 227 intersections, including the intersection of SR 277 and Buckley Road.

### **Response 3-15 – Utilities**

The commenter states that the Draft IS-MND analysis of wastewater facilities does not adequately analyze flows during peak wet weather events. The City’s Water Resource Recovery Facility (WRRF) can handle up to 5.1 million gallons per day (MGD) during peak dry weather flows in accordance with our discharge permit. During wet weather events between October and May, our permit has a separated sampling and inspection criteria which handles wet weather peak flows based on the current operations, and the use of a 4 million gallon equalization basin that attenuates the flows coming into and out of the plant. As a result of stormwater infiltration in other areas of the City’s sewer collection system, Mitigation Measure UT-1 in the Draft IS-MND includes an offset of the additional sewer flows generated by the project, which would reduce potential impacts attributed with peak wet weather events.

### **Response 3-16 – Energy Efficiency and Conservation**

The commenter states that the Draft IS-MND does not discuss whether the project would result in wasteful consumption of energy. It should be noted that the CEQA Guidelines require discussion of energy consumption for Environmental Impact Reports, but not for NDs or MNDs. However, a brief discussion of energy consumption is provided here for informational purposes.

The project site is located within the San Luis Obispo City Limits, a reasonable distance from public services such as police, fire protection, and schools in San Luis Obispo. A quantitative evaluation of the project’s projected trip generation and VMT is included in Section 16 of the Environmental Checklist, Transportation/Traffic, and Appendix F, transportation study. Project operation would result in approximately 10,853 new daily trips, which represents approximately 0.8 percent of estimated VMT under buildout conditions of the General Plan as currently zoned. As discussed in the Draft IS-MND, project would locate new mixed-use development in close proximity to transit services, as well as existing commercial business park and industrial uses, which facilitates walking, biking, and use of transit. As a result, the project would not reasonably be anticipated to result in longer than average trip lengths compared to existing development in the City of San Luis Obispo.

A quantitative evaluation of the project’s anticipated electricity and natural gas consumption is included in Section 7 of the Environmental Checklist, Greenhouse Gas Emissions, and Appendix A, Air Quality and Greenhouse Gas Calculations. Project operation would result in the annual consumption of approximately 1,477 megawatt hours of electricity and 3.5 million cubic feet of natural gas. The project would be subject to energy conservation requirements in the California Energy Code (Title 24, Part 6, of the California Code of Regulations, California’s Energy Efficiency Standards for Residential and Nonresidential Buildings) and the California Green Building Standards Code (CALGreen) (Title 24, Part 11 of the California Code of Regulations). Adherence to these applicable energy efficiency requirements would ensure that the project would not result in wasteful and inefficient use of non-renewable resources due to building operation.

In addition, Section 3 of the Environmental Checklist, Air Quality, and Section 16 of the Environmental Checklist, Transportation/Traffic, of the Draft IS-MND include mitigation measures intended to reduce air pollutant emissions and traffic congestion, which would have the secondary effect of reducing project-related energy consumption.

### **Response 3-17 – Conclusion**

The commenter requests notification of CEQA actions and notices concerning the project. The City will provide the requested notifications, and add the Southwest Regional Council of Carpenters to the list of interested parties in connection with the project.

### **Response 3-18 – Attachment: Avila Ranch EIR Executive Summary Excerpt**

The commenter attaches an excerpt from the Avila Ranch Development Project EIR Executive Summary, which summarizes some of the impacts and associated mitigation measures from that document to supplement earlier comments regarding potential cumulative air quality impacts. Refer to Response 3-3.

### **Response 3-19 – San Luis Obispo Tribune Population Growth Article**

The commenter attaches an article from the San Luis Obispo Tribune that includes information about population and growth projections in the City of San Luis Obispo to supplement earlier comments regarding the population estimates in the Draft IS-MND. Refer to Response 3-1.

### 3 Draft IS-MND Text Revisions

Specific changes to the text of the Draft IS-MND described in the responses above have been made in the main body of the document. Such changes have been made to clarify information presented in the Draft IS-MND in response to comments received during the public review period. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft IS-MND. Where revisions to the Draft IS-MND text are called for, added text is indicated with underlined text. Text deleted from the Draft IS-MND is shown in ~~strikeout~~.