



**INITIAL STUDY  
ENVIRONMENTAL CHECKLIST FORM**

**For ER 0528-2021**

**1. Project Title:**

The Villages at the Palms Expansion (ARCH-0386-2020, USE-0387-2020, PDEV-0001-2021, & EID-0528-2021)

**2. Lead Agency Name and Address:**

City of San Luis Obispo  
919 Palm Street  
San Luis Obispo, CA 93401

**3. Contact Person and Phone Number:**

Kyle Bell, Associate Planner  
(805) 781-7524

**4. Project Location:**

55 Broad Street (Assessor's Parcel Numbers [APNs] 052-162-021, 052-162-018, 052-162-022),  
San Luis Obispo, CA (project site)

**5. Project Sponsor's Name and Address:**

Morrison I, LP  
55 Broad Street  
San Luis Obispo, CA 93401  
Contact: Patrick Smith

**6. General Plan Designations:**

High Density Residential

**7. Zoning:**

High Density Residential Planned Development (R-4-PD)

**8. Description of the Project:**

The Villages at the Palms (project) includes the expansion of an existing residential care facility for the elderly (RCFE; assisted living facility). The project is located with a Planned Development (PD) Overlay that was originally established at this site to allow a student housing project. In 1997 the PD was amended to allow the senior housing project that exists today. The project includes an amendment to the existing PD Precise Plan to address the two new structures and a deviation from development standards to allow the maximum height of Building A to be 45 feet and 3 inches, and the maximum height of Building B to be 58 feet and 4 inches, where the maximum height is normally 35 feet. The Village at the Palms Planned Development consists of three existing buildings, each on a separate parcel. The existing building located on APN 052-162-022 is known as "Garden Creek" and consists of an assisted living facility with 64 rooms; no changes are proposed to this parcel. The remaining two parcels were recently adjusted on October 16, 2020, under the lot line adjustment application SBDV-0246-2020 (SLO AL 20-0002). The existing building located on APN 052-162-018 (1.4 acres) is known as "The Oaks" and consists of a 50-unit senior living facility; no changes are proposed to this parcel. The existing building

located on APN-052-162-021 (4.6 acres) is known as “The Palms” and consists of a 127-unit senior living facility; the proposed project and associated site improvements would be located within this parcel (henceforth referred to as Parcel 2 SLOAL 20-0002). In addition to Broad Street located along the project’s frontage, the project site is bound by Palomar Avenue to the west and Ramona Drive to the north (Figure 1). The proposed project would be directly accessed from an existing driveway off Broad Street or from the improved driveways located off Palomar Avenue and Ramona Drive.

An existing commercial center (Foothill Plaza Shopping Center) is north of the project site, low-density residential development is south and east of the project site and planned and existing apartment complexes are west of the project site. The property is zoned for High Density Residential within a Planned Development (PD) Overlay zone (R-4-PD).

The project site is characterized by generally flat topography and consists of three habitat types, including ruderal/disturbed, riparian, and ornamental landscaping. The project includes the removal of 6 ornamental trees along the western portion of the property, including 2 Brisbane Box trees (6-9 inches), 1 Mondell Pine tree (14 inches), and 3 Evergreen Pear trees (4 inches). Removed trees would be replanted at minimum 1:1 ratio, the project proposes to plant 40 new trees. The project site is located within the San Luis Obispo Creek watershed. Old Garden Creek, which runs through the project site, is a tributary to Stenner Creek, which is a tributary to San Luis Obispo Creek. The project site is in Watershed Management Zone 1 (WMZ1), and therefore would be required to meet Performance Requirements 1–4 of the Central Coast Regional Water Quality Control Board (RWQCB) Post-Construction Stormwater Requirements for development projects. Applicant-proposed stormwater reduction measures include installation of additional landscaping and using existing pavers to construct the proposed surface parking lot located to the north of Building B.

The expanded residential care facility would consist of two new buildings (Building A and Building B) located to the east and west of Old Garden Creek, which runs through the central portion of the project site (Figures 2 and 3). As proposed, Building A includes a three-story building with 37 new units (eight studio units, 24 one-bedroom units, and five two-bedroom units) and amenities, such as a commercial kitchen, dining room, living room, multi-purpose activities space, administrative offices, and a rooftop terrace. Building B includes a total of four floors, with the first two floors providing a parking garage and the upper two floors providing additional residential units (22 one-bedroom units).

Building A would be approximately 13,293 square feet with a maximum height of 45 feet and 3 inches. Building B would be approximately 12,068 square feet with a maximum height of 58 feet 4 inches. The Applicant (Morrison I, LP) is requesting a deviation from development standards associated with the PD amendment to exceed the 35-foot height standard within the R-4-PD zone (17.22.020) and other exceptions (see **Table 2**). Signage is proposed along Ramona Drive and at the corner of Ramona Drive and Palomar Avenue. The project would result in various amenities and programs that are intended to promote social interaction, wellness, fitness, art, music, and outdoor access.

Visual simulations have been prepared by the Applicant for the proposed project and are shown on Figures 4a through 4c. Building design of the proposed RCFE expansion would reflect a Spanish-style design, including clay tile roofs, smooth plaster finish walls, decorative tile insets, ornamental wrought iron planters, and a variety of arched openings. Building design would also include horizontal breaks in the building plane to create a residential-scale articulation. Additionally, both buildings would include recessed flat roof areas behind slightly sloping rooftops to conceal mechanical equipment, plumbing vents, exhaust fans, and potential solar panels. The project includes landscaping along the property line and throughout the developed areas. A mix of trees, bushes, and groundcover varying in textures, colors, form, and height would be provided within the developed patio and surrounding outdoor areas. The proposed development program details for the R-4-PD zone are summarized in **Table 1**.

**Table 1. Project Development Program**

Site Details	Proposed	Allowed/Required
Setbacks		
Front (Broad Street)	N/A	10 feet
Corner Lot – Street Side (Ramona Drive)	23 feet 3 inches	10 feet
Corner Lot- Street Side (Palomar Avenue)	7 feet	10 feet
Interior, Side, and Rear <sup>1</sup>	12 feet 9 inches	10 feet
Creek Setback (first and second stories)	Building A: 20 feet Building B: 25 feet	20 feet
Creek Setback (third story)	Building A: 20 feet Building B: 25 feet (Floors 1–3) Building B: 28 feet (Floor 4)	30 feet
Maximum Height of Structures	Building A: 45 feet, 3 inches Building B: 58 feet, 4 inches	35 feet
Maximum Lot Coverage	33%	60%
Minimum Lot Area	198,356 square feet	5,000 square feet
Total No. Parking Spaces	152	143
Bicycle Parking	8	7

The project includes modifications to the building and design features identified in the City’s Municipal Code (**Table 2**). The project is within a PD Overlay, which provides for deviations from development standards of Municipal Code Title 17, such as maximum height, where determined necessary and justifiable to accommodate the development of the project (17.48.030.D).

**Table 2. Project Development Program**

Municipal Code Section	Proposed Exceptions and Deviations from Development Standards
17.22.020	Exceed the 35-foot height standard within the R-4-PD zone.
17.70.170 D.1.B	Reduce the side yard setback along Palomar Avenue to facilitate an additional building setback from the top of the bank of the creek.
	Provide parking within the required side yard setback adjacent to Palomar Avenue and the small section of Building B parking along Palomar Avenue front yard setback.
	Place trash/recycling enclosure for Building B within the side yard adjacent to Palomar Avenue to facilitate increased setback from the creek.
Section 17.70.030 G.1	Provide replacement parking to incorporate impervious paving at the southwestern corner of Building A.
	Provide replacement parking incorporating impervious paving within the 20-foot creek-side setback on the east side of Building B.
Section 17.70.030 E.3	Encroachment into the additional 10-foot creek-side setback at the upper stories.

Water service for the proposed project would be provided by the City's Utilities Department, and the project would require an additional water demand of approximately 6 acre-feet per year (AFY). The project would be served by the City's sewer system and would generate approximately 2 million gallons annually. Electricity for the project would be provided by Pacific Gas and Electric (PG&E). The project site includes existing utility infrastructure within easements along Ramona Drive and Palomar Avenue, including sewer lines, water lines, and power poles. The project would include the installment of expanded infrastructure to connect the new buildings to existing City facilities. Access to the project site would be provided via two new 20-foot-wide entries off Palomar Avenue and improvements to the existing 22-foot-wide driveway off Ramona Drive, as well as access from the existing driveway along Broad Street. Building A would incorporate an arrival/drop-off porte-cochere that is compliant with the City Fire Department's vertical clearance regulations. The existing peak number of employees is 67 and implementation of the project is anticipated to require 16 additional employees. The estimated average daily trip (ADT) for the project is 148. There are currently 171 vehicle parking spaces for the Village at the Palms assisted living facility. Implementation of the project would remove 128 existing vehicle parking spaces. The project would provide 109 new vehicle parking spaces and the development would provide a total of 152 vehicle parking spaces, including 11 accessible parking spaces, eight Electric Vehicle (EV) charging parking stations, eight motorcycle parking spaces, eight bicycle parking spaces, and an Automated Parklift System with 29 vehicle spots.

Project construction would require approximately 1,575 cubic yards (cy) of cut and 620 cy of fill for a total of 2,195 cy of earthwork. Construction is anticipated to last approximately 14 months and is anticipated to begin in April 2022. Construction would result in approximately 57,000 square feet (1.31 acres) of ground disturbance and would replace approximately 22,000 square feet of surface parking with new buildings, hardscapes, and parking lots on pervious pavers. Construction would require the use of typical construction equipment, including, but not limited to, dozers, loaders, and excavators.

**9. Project Entitlements:**

Planned Development Amendment, Minor Use Permit, Development Review (Major)

**10. Surrounding Land Uses and Settings:**

**Northeast:** commercial center (Foothill Plaza Shopping Center) and single-family residential development

**Northwest:** commercial center (Foothill Plaza Shopping Center), Church of Jesus Christ Latter-Day Saints, and apartment complex (Valencia Apartments)

**Southwest:** planned apartment complex (The Academy Palomar) and low-density residential development

**Southeast:** low-density residential development

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

Native American Tribes were notified on **August 6, 2021**, about the project consistent with City and State of California regulations, including, but not limited to, Assembly Bill 52. As of September 28, 2021, responses have been received from two tribes, including the yak tiʻvu tiʻvu yak tiʻhini Northern Chumash Tribe of San Luis Obispo County and Region and the Santa Ynez Band of Chumash Indians.

**12. Other public agencies whose approval is required:**

San Luis Obispo County Air Pollution Control District  
Regional Water Quality Control Board (Central Coast)

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<sup>1</sup> Based on Table 2-11: R-4 Zone Minimum Interior Side and Rear Setbacks (Municipal Code 17.22.020).

Figure 1. Project Location Map

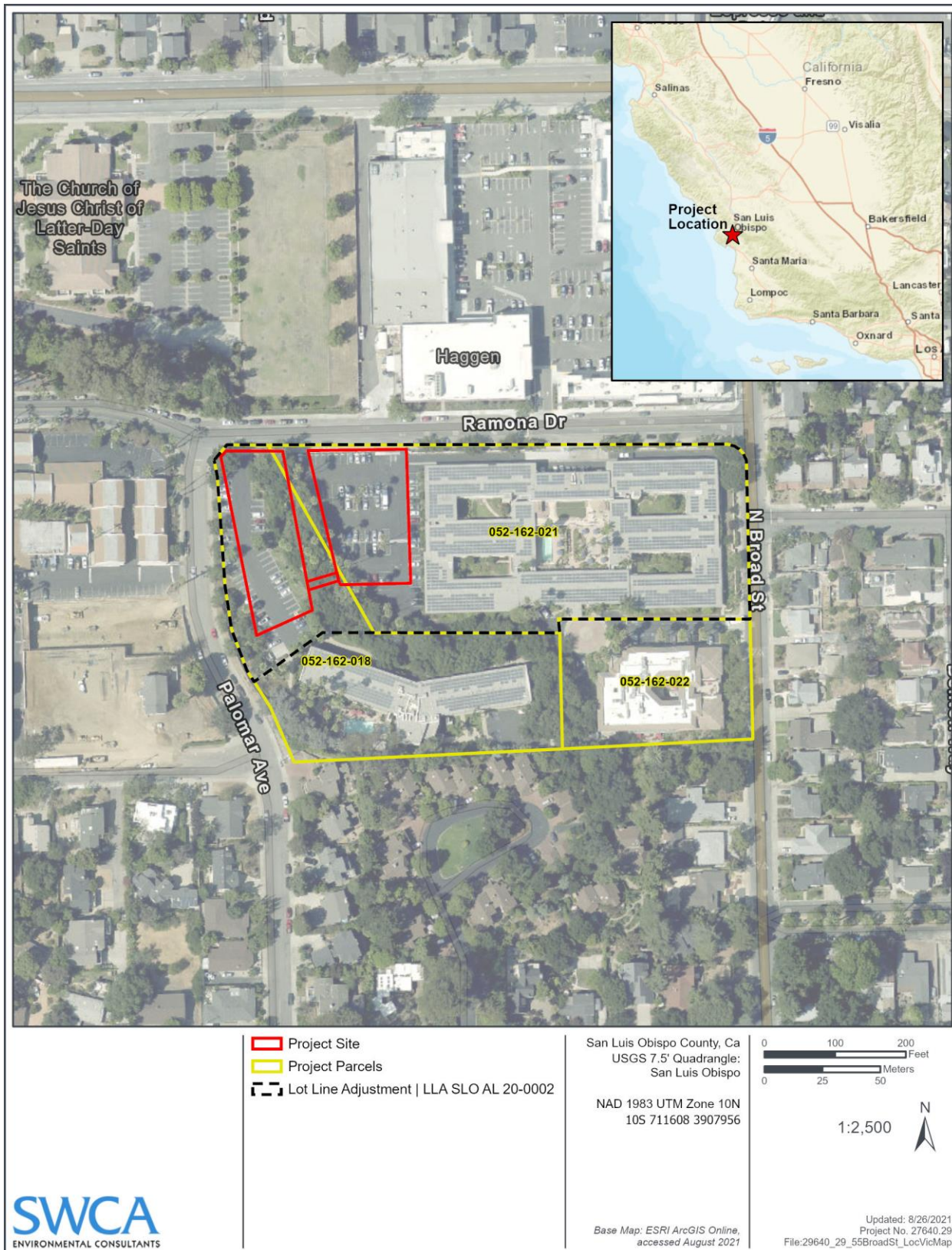




Figure 2. Conceptual Site Plan.

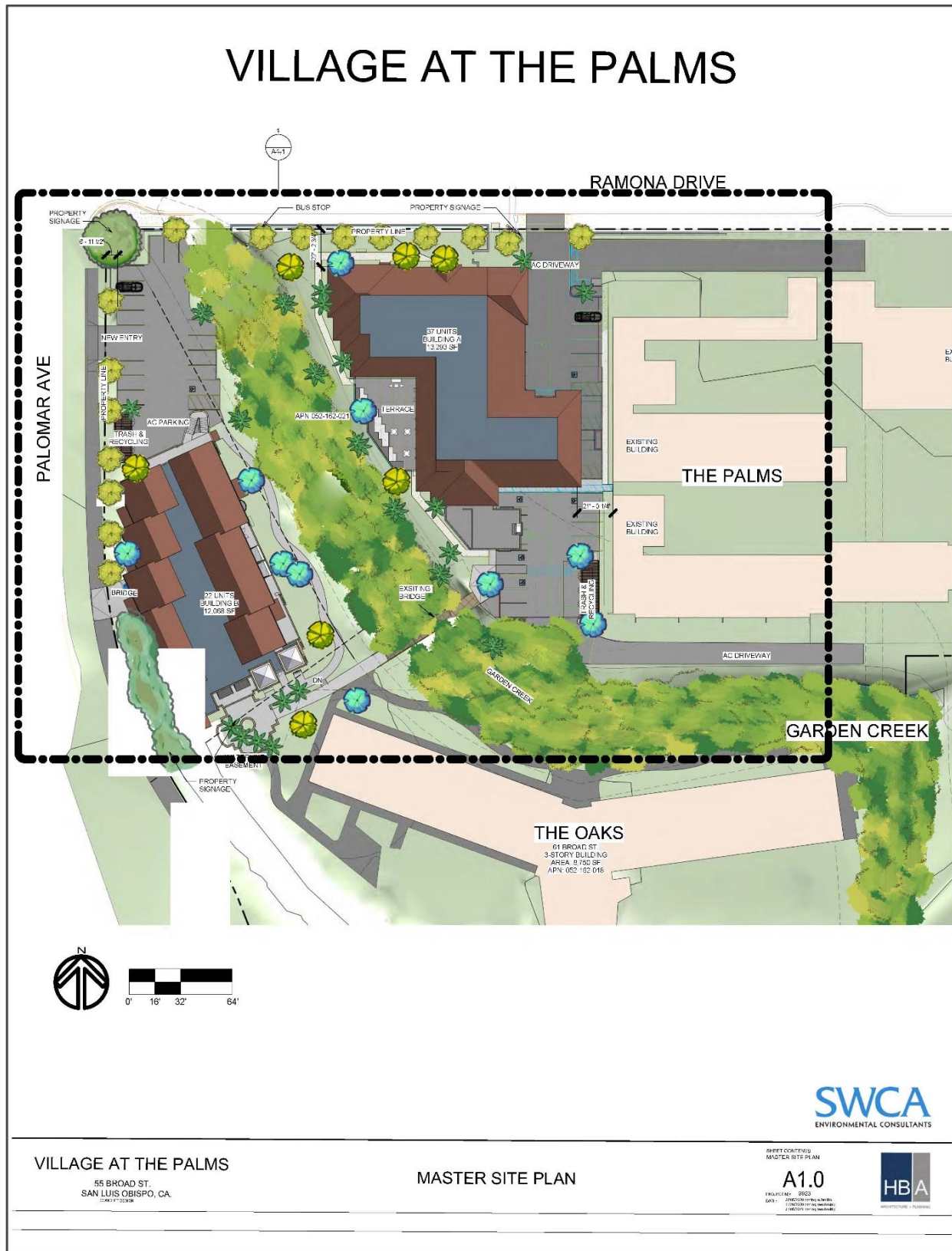


Figure 3. Conceptual Site Plan



Figure 4a. Visual Simulation – View From Ramona Drive



VIEW FROM RAMONA DRIVE

**VILLAGE AT THE PALMS**

55 BROAD ST.  
SAN LUIS OBISPO, CA.  
94963

**ILLUSTRATION -VIEW FROM RAMONA  
DRIVE**

This drawing is a computer-generated, artistic rendering and does not represent an actual photograph of the project or the site. It is intended to provide a visual representation of the proposed project.

SHEET CONTENTS  
ILLUSTRATION -VIEW FROM RAMONA DRIVE

**A4.5**

PROJECT: 15-0001  
DATE: 06/15/2015  
DRAWN: J. GARCIA  
CHECKED: J. GARCIA  
APPROVED: J. GARCIA





Figure 4b. Visual Simulation – View From Palomar Avenue



VIEW FROM PALOMAR AVENUE ON BUILDING B

**VILLAGE AT THE PALMS**

55 BROAD ST.  
SAN LUIS OBISPO, CA.  
94961-0001

**ILLUSTRATIVE - VIEW FROM  
PALOMAR AVENUE ON BUILDING B**

THIS DRAWING IS AN ILLUSTRATION AND NOT A CONTRACT DOCUMENT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE CLIENT IS ADVISED THAT THE INFORMATION PROVIDED IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

PROJECT CONTENTS  
ILLUSTRATIVE - VIEW FROM PALOMAR AVENUE ON  
BUILDING B  
**A4.9**  
PROJECT NO. 2023  
DATE: 08/15/2023  
DRAWN BY: [Name]  
CHECKED BY: [Name]



**Figure 4c. Visual Simulation – View from the Corner of Ramona Drive and Palomar Avenue**



**VIEW FROM RAMONA DRIVE AND PALOMAR AVE CORNER**

**VILLAGE AT THE PALMS**

55 BROAD ST.  
SAN LUIS OBISPO, CA.  
94967

**ILLUSTRATIVE VIEW FROM RAMONA  
DRIVE AND PALOMAR AVE CORNER**

This drawing is a computer-generated, artistic rendering and does not represent an actual view. It is intended to provide a general impression of the proposed project and is not intended to be used for any other purpose.

DATE: 08/14/2023  
DRAWN BY: J. GARCIA  
CHECKED BY: J. GARCIA  
APPROVED BY: J. GARCIA

**A5.0**

DATE: 08/14/2023  
DRAWN BY: J. GARCIA  
CHECKED BY: J. GARCIA  
APPROVED BY: J. GARCIA



## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input checked="" type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Agriculture and Forestry Resources	<input checked="" type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Recreation
<input checked="" type="checkbox"/>	Air Quality	<input checked="" type="checkbox"/>	Hydrology and Water Quality	<input type="checkbox"/>	Transportation
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Land Use and Planning	<input checked="" type="checkbox"/>	Tribal Cultural Resources
<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Mineral Resources	<input checked="" type="checkbox"/>	Utilities and Service Systems
<input type="checkbox"/>	Energy	<input checked="" type="checkbox"/>	Noise	<input type="checkbox"/>	Wildfire
<input type="checkbox"/>	Geology and Soils	<input type="checkbox"/>	Population and Housing	<input checked="" type="checkbox"/>	Mandatory Findings of Significance

## FISH AND WILDLIFE FEES

<input type="checkbox"/>	The Department of Fish and Wildlife has reviewed the CEQA document and written no effect determination request and has determined that the project will not have a potential effect on fish, wildlife, or habitat (see attached determination).
<input checked="" type="checkbox"/>	The project has potential to impact fish and wildlife resources and shall be subject to the payment of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code. This initial study has been circulated to the California Department of Fish and Wildlife for review and comment.

## STATE CLEARINGHOUSE

<input checked="" type="checkbox"/>	This environmental document must be submitted to the State Clearinghouse for review by one or more State agencies (e.g., Cal Trans, California Department of Fish and Wildlife, Department of Housing and Community Development). The public review period shall not be less than 30 days (CEQA Guidelines 15073(a)).
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**DETERMINATION** (To be completed by the Lead Agency):

On the basis of this initial evaluation:

I find that the proposed project <b>COULD NOT</b> have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.	<input type="checkbox"/>
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made, by or agreed to by the project proponent. A <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.	<input checked="" type="checkbox"/>
I find that the proposed project <b>MAY</b> have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.	<input type="checkbox"/>
I find that the proposed project <b>MAY</b> have a “potentially significant” impact(s) or “potentially significant unless mitigated” impact(s) on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An <b>ENVIRONMENTAL IMPACT REPORT</b> is required, but it must analyze only the effects that remain to be addressed	<input type="checkbox"/>
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	<input type="checkbox"/>

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

For: Michael Codron,  
 \_\_\_\_\_  
 Community Development Director



## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 19, “Earlier Analysis,” as described in (5) below, may be cross-referenced).
5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063 (c) (3) (D)). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

## 1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	1, 2, 3	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, open space, and historic buildings within a local or state scenic highway?	2, 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	1, 2, 3, 4, 5	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1, 5	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Evaluation

The proposed project site is located at the corner of Palomar Avenue and Ramona Drive in the northcentral portion of San Luis Obispo. The site is surrounded by existing buildings associated with the Village at the Palms assisted living facility to the east, an existing commercial center (Foothill Plaza Shopping Center) and the Church of Jesus Christ of Latter-Day Saints to the north, apartment complexes to the west, and apartment and low-density residential units to the south. Broad Street is located 465 feet east of the project site, beyond the existing Village at the Palms assisted living facility, and Foothill Boulevard is located approximately 480 feet north of the project site, beyond Foothill Plaza Shopping Center and the Church of Jesus Christ Latter-Day Saints. The project site consists of a surface parking lot located on the east and west sides of Old Garden Creek, which runs through the central portion of the site. Ornamental landscaping is present throughout the project site, and the Old Garden Creek bed supports natural riparian vegetation.

The topography of the city is generally defined by several low hills and ridges, such as Righetti Hill, Bishop Peak, and Cerro San Luis. These are three of the nine peaks known as the Morros and provide scenic focal points for much of the city. The project vicinity exhibits intermittent views of nearby natural landmarks, including Cerro San Luis and Bishop Peak. The project area and surrounding areas are characterized by relatively flat to slightly sloping topography. Elevation at the project site is approximately 235 to 240 feet above mean sea level.

Based on the *City of San Luis Obispo General Plan Conservation and Open Space Element (COSE)* map of scenic roadways and vistas, Broad Street, located east of the project site, and Foothill Boulevard, located north of the project site, are designated as having moderate scenic value. The project site is in the High Density Residential land use designation. The site is also within a High Density Residential zone with a PD Overlay (R-4-PD). The project is within a PD Overlay, which provides for deviations from development standards of Municipal Code Title 17, such as maximum height, where determined necessary and justifiable to accommodate the development of the project (17.48.030.D). The project's consistency with the applicable development standards is evaluated in Table 1 in the Project Description.

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. A substantial adverse effect on a scenic vista would occur if the proposed project would significantly degrade the scenic landscape as viewed from public roads or other public areas. The project area consists of distant views of Cerro San Luis to the southwest and Bishop Peak to the northwest. Based on the City's COSE, the portion of Foothill Boulevard located approximately 480 feet north of the project site is considered a roadway with moderate scenic value; however, the project site is not within the viewshed of a designated scenic vista.

- a) The City’s COSE designates the portion of Foothill Boulevard located approximately 480 feet north of the project site as a roadway with moderate scenic value. Views from Foothill Boulevard traveling north at the project site include commercial and residential development and distant views of Bishop Peak. Views from Foothill Boulevard traveling south at the project site include commercial and residential development and distant views of the Alex G. Spanos Stadium and the California Polytechnic State University, San Luis Obispo (Cal Poly) “P.”

Intervening commercial development and associated vegetation along Foothill Boulevard would block construction-related views associated with the project from travelers along Foothill Boulevard. Implementation of the project would result in the construction and operation of two new buildings similar in style and density to surrounding development, ranging from 45 feet 3 inches to 58 feet 4 inches in height. As evaluated in threshold c) below, the Applicant is requesting a modification to allowable building height within the R-4 zone. Implementation of the project would not block any scenic views from Foothill Boulevard, including Bishop Peak, Cerro San Luis, or the Cal Poly “P.” In addition, the City’s COSE does not designate the project area as a scenic vista; therefore, the project would not result in an adverse change to a scenic vista. The project would not block any scenic views and would generally be consistent with the level of surrounding commercial and residential development in the project area. The project would not result in significant adverse change in a scenic vista; therefore, potential impacts would be *less than significant*.

- b) The project site is located approximately 0.66 mile northwest of U.S. Highway 101 (US 101). Based on the California Department of Transportation (Caltrans) California Scenic Highways online mapping tool, this section of US 101 is eligible for State of California (State) scenic highway designation but is not officially designated. The City’s COSE also identifies Foothill Boulevard (approximately 480 feet north of the project site) as having moderate scenic value, which is evaluated in threshold (a) above. The project site would not be visible to viewers traveling along US 101 due to the distance between US 101 and the project site, as well as the presence of intervening topography and development. Further, there are no scenic resources in the project area that would be damaged because of the proposed project. For these reasons, the project would not substantially damage any of these resources and there would be *no impact*.

- c) The project is in the R-4 land use designation and has a PD Overlay (R-4-PD). The project would be subject to the R-4 zone design standards identified in City Municipal Code 17.22.020. The project would also be subject to other applicable building standards identified in City Municipal Code 17.70 and with COSE Policy 9.1.2, which outlines view guidelines regarding urban development. The COSE states that urban development should reflect its architectural context. This does not necessarily prescribe a specific style, but requires deliberate design choices that acknowledge human scale, natural site features, and neighboring urban development, and that are compatible with historical and architectural resources. The Applicant is requesting exceptions and deviations to design features and building design standards, including building height, creek setbacks, side yard setbacks, and a front yard setback (see **Table 2** in the Project Description). The project site’s PD Overlay provides for deviations from development standards of Municipal Code Title 17, such as maximum height, as determined necessary and justifiable for the project by the City.

Construction views associated with the project would be temporary in nature and similar to other projects within the city. Additionally, construction-related views would be blocked from Foothill Boulevard and Broad Street by intervening development and vegetation. Project construction requires the removal of non-native vegetation; however, none of the trees that would be removed have unusual or historical value. Additionally, any trees that are removed during implementation of the project would be replanted at a 1:1 ratio, the project proposes a replanting plan ratio of 6.7:1 which exceeds the minimum compensatory planting requirements.

Implementation of the project would result in the construction of two new buildings ranging from 45 feet 3 inches to 58 feet 4 inches in height. The maximum standard building height for the R-4 zone is 35 feet. Although the proposed project would be taller than surrounding development, it would not impede any scenic views in the area, including Bishop Peak to the northwest, Cerro San Luis to the southwest, or the Cal Poly “P” to the northeast. The proposed project would also be similar in nature to the density and style of surrounding high-density residential development. Additionally, views of the project would be mostly blocked along Foothill Boulevard, which has a moderate scenic value per the City’s COSE, due to intervening commercial development and associated vegetation along Foothill Boulevard. The project also includes a vegetative screen along Ramona Drive and Palomar Avenue, which would conceal lower portions of the buildings from travelers along those roads. For these reasons, the project would not substantially degrade the existing visual character or quality of public views of the site, nor would the project conflict with regulations that have been established for the purpose

of preserving scenic quality or resources. Thus, the impacts to visual character and scenic quality would be *less than significant*.

- d) Existing sources of nighttime lighting in the vicinity of the project site include residential street lighting, spillover parking lot lighting from nearby commercial centers and apartments, and intermittent vehicle lighting from vehicles traveling along Ramona Drive and/or Palomar Avenue. Construction activities would only occur during daylight hours and would not require nighttime lighting. Operational nighttime lighting would include outdoor lighting for safety and illumination purposes and may include vehicle headlights. However, the project is required to comply with the Lighting and Night Sky Preservation Ordinance (17.70.100) standards for outdoor lighting and new development, which include, but are not limited to, requirements for new outdoor light sources to be shielded and directed away from adjacent properties and public rights-of-way, requirements for minimum levels of lighting consistent with public safety standards, and limits to hours of lighting operation. Therefore, impacts from new sources of light or glare would be *less than significant*.

**Mitigation Measures**

Mitigation measures are not required.

**Conclusion**

The project is not located within a scenic vista or within the viewshed of a designated scenic highway and would not be highly visible from nearby public roadways designated as having high scenic value. The project does not conflict with City of San Luis Obispo regulations that have been established for the purpose of preserving scenic quality or resources and would not result in a significant source of additional nighttime lighting. No potentially significant impacts associated with aesthetic resources would occur and mitigation measures are not required.

**2. AGRICULTURE AND FORESTRY RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



d) Result in the loss of forest land or conversion of forest land to non-forest use?	1, 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Evaluation**

The California Department of Conservation (DOC) classifies and maps agricultural lands in the state in the Farmland Mapping and Monitoring Program (FMMP). The FMMP identifies five farmland categories: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Farmland of Local Potential. The project site is designated as Urban and Built-Up Land by the FMMP (DOC 2016). The project site is not located on local Prime Farmland, Farmland of Local Importance, Farmland of Local Potential, Farmland of Statewide Importance, or Unique Farmland according to Figure 10 of the City’s COSE.

The project site is zoned as R-4-PD within the northcentral portion of the city. The project site is not located within or immediately adjacent to land zoned for agricultural uses, land under an active Williamson Act contract, or land currently supporting agricultural uses.

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any forest land or timberland and is not surrounded by forest land or timberland.

- a) According to the FMMP, the project site and surrounding land uses are designated as Urban and Built-Up Land. Since the project site is not located on or adjacent to designated Prime Farmland, the project would not result in the conversion of Prime or other Farmland to non-agricultural use, and *no impacts* would occur.
- b) The project site is not located within or adjacent to land zoned for agriculture or under an active Williamson Act contract. Therefore, the project would not conflict with existing agricultural zoning or a Williamson Act contract, and *no impacts* would occur.
- c) The project site does not include land designated or zoning for forest land or timberland. Additionally, the project site does not contain 10% tree cover that would classify the site as forest land. Therefore, the project would not conflict with zoning for, result in the loss of, or result in the conversion of forest land, timberland, or timberland zoned Timberland Production, and *no impacts* would occur.
- d) The project site does not include land designated for forest land and does not support 10% tree cover that would classify the project site as forest land. Therefore, the project would not result in the conversion of forest land to non-forest use and impacts, and *no impacts* would occur.
- e) The project includes expansion of an existing assisted living facility and is surrounded by urbanized high-density residential and other residential uses. The nearest agricultural uses are approximately 1.4 miles south of the project site. The proposed project would be consistent with surrounding uses and with existing zoning designated for the project site and would not adversely affect agricultural water supplies or other agricultural support facilities. Therefore, the project would not result in substantial changes in the environment that could result in conversion of nearby agricultural land or forest land to non-agricultural or non-forest use, and *no impacts* would occur.

**Mitigation Measures**

Mitigation measures are not required.

**Conclusion**

The project site is in an urbanized area and is not within or adjacent to Farmland, land zoned for agricultural or forest land use, or land under a Williamson Act contract. No potentially significant impacts to agriculture or forest land would occur, and mitigation measures are not required.

**3. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	1, 8, 9, 10, 11	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	1, 8, 10, 13	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	1, 10, 13, 14	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	1, 10, 14	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Evaluation**

The city of San Luis Obispo is located within the South Central Coast Air Basin (SCCAB), which also includes Santa Barbara and Ventura Counties. Air quality within the SCCAB is regulated by several jurisdictions, including the U.S. Environmental Protection Agency (USEPA), California Air Resources Board (CARB), and San Luis Obispo County Air Pollution Control District (SLOAPCD).

San Luis Obispo County is currently designated as “nonattainment” for the State standards for ozone, partial nonattainment for federal ambient standards for ozone (in eastern San Luis Obispo County, outside of the project area), and nonattainment for the State standards for particulate matter 10 microns or less in diameter (PM<sub>10</sub>). The City’s COSE identifies goals and policies to achieve and maintain air quality that supports health and enjoyment for those who live in, work in, and visit the city. These goals and policies include meeting federal and State air quality standards, reducing dependency on gasoline- or diesel-powered motor vehicles and to encourage walking, biking, and public transit use.

The SLOAPCD has developed a *CEQA Air Quality Handbook* (most recently updated with a November 2017 Clarification Memorandum) to evaluate project-specific impacts and determine if potentially significant impacts could result from a project. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, the *2001 San Luis Obispo County Clean Air Plan* (2001 Clean Air Plan) was prepared and adopted (SLOAPCD 2002).

Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. The CARB has identified the following groups who are most likely to be affected by air pollution (i.e., sensitive receptors): children under 14, the elderly over 65 years of age, athletes, and people with cardiovascular and chronic respiratory diseases. The project site is in a residential area with sensitive receptor locations located in all directions. On-site, sensitive receptors currently live within the existing housing at the Villages at the Palms. Off-site sensitive receptors are also present as close as 50 feet west in high-density residential apartment complexes.

Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the CARB. Any ground disturbance proposed in an area identified as having the potential to contain NOA must comply with the CARB Airborne Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. The SLOAPCD NOA Map indicates that the project site is in an area identified as having a potential for NOA to occur.

- a) To be considered consistent with the 2001 Clean Air Plan, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the Clean Air Plan. The project includes the expansion of the Village at the Palms assisted living facility within the R-4-PD zone. The project site is located approximately 60 feet south of a commercial center with restaurants, a market, and other commercial development. The project site is in an area that would facilitate pedestrian and bicycle travel. The project would be easily accessible by Class II bicycle lanes located on Foothill Boulevard that connect to existing bicycle lanes on Broad Street, which connects to Ramona Drive. The project site is located adjacent to a transit stop on Ramona Drive, which would likely facilitate the use of public transportation. According to the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10<sup>th</sup> Edition*, a continuing care retirement community generates 2.5 Average Daily Trips (ADT) per occupied unit. The project would create 59 new continuing care retirement units, estimated to generate 148 ADT. Although operation of the project would create more than 110 trips per day, based on the City’s Residential Vehicle Miles Traveled (VMT) Screening Map, the project site is in an area of the city that would result in average VMT less than or equal to 85% of the regional average, meaning a project in this area would result in VMT generation below the City’s adopted thresholds. Further, the project would be consistent with VMT reduction measures identified in the 2001 Clean Air Plan. Because the project would be consistent with the City’s land use planning and transportation control measures and with the 2001 Clean Air Plan, the project would be consistent with applicable air quality plans. Therefore, impacts would be *less than significant*.
- b) San Luis Obispo County is currently designated as non-attainment for ozone and PM<sub>10</sub> under State ambient air quality standards. Construction of the project would result in short-term emissions of ozone precursors including reactive organic gasses (ROG), nitrous oxides (NO<sub>x</sub>), and fugitive dust emissions (PM<sub>10</sub>). During operation, the project would result in emissions of ozone precursors associated with mobile source emissions and other stationary sources.

**Construction Emissions**

The project would result in approximately 57,000 square feet (1.31 acres) of ground disturbance, including 1,575 cy of cut and 620 cy of fill (2,195 cy of total cut/fill). Construction of the proposed project has the potential to result in a short-term increase in dust and vehicle emissions, including diesel particulate matter (DPM), ROGs, NO<sub>x</sub>, and particulate matter. Estimated construction emissions from the project were calculated using the California Emission Estimator Model (CalEEMod), version 2020.4.0 (CalEEMod 2021). Emissions were quantified based on the default construction schedules, equipment use, and construction vehicle trips contained in the model. Fugitive dust control measures were not included in the modeling assumptions. Construction emissions modeling assumptions are summarized in Attachment 5. Estimated short-term construction emissions are shown in Table 3 below.

**Table 3. Project Construction Emissions**

Criteria Pollutant	Highest Emissions	SLOAPCD Screening Threshold	Exceeds Threshold?
<b>Uncontrolled Daily Construction Emissions – Summer Conditions</b>			
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO <sub>x</sub> )	64.3 lbs/day	137 lbs/day	No
Diesel Particulate Matter (DPM)	1.6 lbs/day	7 lbs/day	No
<b>Uncontrolled Daily Construction Emissions – Winter Conditions</b>			
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO <sub>x</sub> )	64.3 lbs/day	137 lbs/day	No
Diesel Particulate Matter (DPM)	1.6 lbs/day	7 lbs/day	No
<b>Uncontrolled Annual Construction Emissions</b>			
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO <sub>x</sub> )	0.60 tons/year	2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	0.07 tons/year	0.13 tons/quarter	No
Fugitive Dust (PM <sub>10</sub> )	0.11 tons/year	2.5 tons/quarter	No

Source: CalEEMod 2021 (v. 2020.4.0); SLOAPCD 2012

As shown in Table 3, short-term construction emissions are not anticipated to exceed established thresholds. Although the project would not result in significant construction-related emissions, SLOAPCD’s *CEQA Air Quality Handbook* recognizes special conditions, such as proximity to sensitive receptors, that require implementation of standard construction mitigation measures to reduce diesel idling (DPM) and fugitive dust. Due to the project’s proximity to surrounding residential areas, both within the existing housing complex on the property and immediately surrounding the property, standard measures for reducing DPM and fugitive dust are required and have been included as Mitigation Measures AQ-1 and AQ-2. Therefore, potential air quality impacts associated with project construction would be *less than significant with mitigation*.

**Operational Impacts**

Implementation of the project would result in the operation of 59 new assisted living dwelling units. Long-term operational emissions were also calculated using the CalEEMod computer program (CalEEMod 2021). Operational emissions modeling assumptions are summarized in Attachment 5. Estimated operational emissions are shown in Table 4 below.

**Table 4. Operational Emissions Summary**

Criteria Pollutant	Highest Daily/Annual Emissions	SLOAPCD Screening Threshold	Exceeds Threshold?
<b>Daily Operational Emissions – Summer Conditions</b>			
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO <sub>x</sub> )	2.3 lbs/day	25 lbs/day	No
Carbon Monoxide (CO)	9.0 lbs/day	550 lbs/day	No
Diesel Particulate Matter (DPM)	0.05 lbs/day	1.25 lbs/day	No
Fugitive Dust (PM10)	0.79 lbs/day	25 lbs/day	No
<b>Daily Operational Emissions – Winter Conditions</b>			
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO <sub>x</sub> )	2.3 lbs/day	25 lbs/day	No
Carbon Monoxide (CO)	9.2 lbs/day	550 lbs/day	No
Diesel Particulate Matter (DPM)	0.05 lbs/day	1.25 lbs/day	No
Fugitive Dust (PM10)	0.7 lbs/day	25 lbs/day	No
<b>Annual Operational Emissions – Year 2023</b>			
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO <sub>x</sub> )	0.40 tons/year	25 tons/year	No
Fugitive Dust (PM10)	0.13 tons/year	25 tons/year	No

Source: CalEEMod 2021 (v. 2020.4.0); SLOAPCD 2012

As shown in Table 4, operational emissions of criteria air pollutants would not exceed SLOAPCD’s recommended thresholds of significance; therefore, impacts from criteria pollutants during project operation would be *less than significant*.

- c) The project site is in a residential area and the nearest sensitive receptor location is an apartment complex located 50 feet west of the project site, across Palomar Avenue. Construction activities, such as excavation, grading, vegetation removal, staging, and building construction, would result in temporary construction vehicle emissions and fugitive dust that may affect surrounding sensitive receptors. Based on the SLOAPCD *CEQA Air Quality Handbook*, construction activities within 1,000 feet of sensitive receptors require standard dust and DPM reduction measures. Mitigation Measures AQ-1 and AQ-2 have been identified to reduce exposure of sensitive receptors to adverse construction vehicle emissions and fugitive dust; therefore, impacts would be *less than significant with mitigation*.
- d) Construction of the proposed project would generate odors associated with construction smoke, dust, and equipment exhaust and fumes. Proposed construction activities would not differ significantly from those resulting from any other type of construction project. Any effects would be temporary and limited to the construction phase of the proposed project. The



SLOAPCD NOA Map indicates the project site is located within an area identified as having potential for NOA to be present. The project would include approximately 2,195 cy of total earthwork, removal of ornamental trees and vegetation along the western property boundary, and construction of the proposed development. Pursuant to SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (CARB ATCM Section 93105), the Applicant is required to provide geologic evaluation prior to any construction activities and comply with existing regulations regarding NOA, if present. Mitigation Measures AQ-3 and AQ-4 have been identified to require the Applicant to complete a geologic evaluation and follow all applicable protocol and procedures if NOA is determined to be present on-site. Based on compliance with identified mitigation and existing regulations, potential impacts associated with other emissions would be *less than significant with mitigation*.

### **Mitigation Measures**

**AQ-1** During all construction activities and use of diesel vehicles, the Applicant shall implement the following idling control techniques:

1. **Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment**
  - a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors if feasible;
  - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
  - c. Use of alternative fueled equipment shall be used whenever possible; and
  - d. Signs that specify the no idling requirements shall be posted and enforced at the construction site.
2. **California Diesel Idling Regulations.** On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
  - a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
  - b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: [www.arb.ca.gov/msprog/truck-idling/2485.pdf](http://www.arb.ca.gov/msprog/truck-idling/2485.pdf).

**AQ-2** During all construction and ground-disturbing activities, the Applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where possible.
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District (SLOAPCD) limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour (mph) and cessation of grading activities during periods of winds over 25 mph. Reclaimed (non-potable) water is to be used in all construction and dust-control work.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed.
4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
5. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive, grass seed and watered until vegetation is established.

6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical binders, jute netting, or other methods approved in advance by the SLOAPCD.
7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
10. Install wheel washers where vehicles enter and exit unpaved roads onto streets or wash off trucks and equipment leaving the site. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.
11. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
12. All PM<sub>10</sub> mitigation measures required shall be shown on grading and building plans.
13. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any site preparation, grading, or earthwork.
14. All off-road construction equipment shall be Tier 3 or higher.

**AQ-3** Prior to initiation of site preparation/construction activities, the Applicant shall retain a registered geologist to conduct a geologic evaluation of the property including sampling and testing for naturally occurring asbestos in full compliance with California Air Resources Board (CARB) Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (CARB ATCM Section 93105) and SLOAPCD requirements. This geologic evaluation shall be submitted to the City Community Development Department upon completion. If the geologic evaluation determines that the project would not have the potential to disturb naturally occurring asbestos (NOA), the Applicant must file an Asbestos ATCM exemption request with the SLOAPCD.

**AQ-4** If NOA are determined to be present on-site, proposed earthwork and construction activities shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (CARB ATCM Section 93105) and requirements stipulated in the National Emission Standards for Hazardous Air Pollutants (NESHAP) (40 Code of Federal Regulations 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

1. Written notification, within at least 10 business days of activities commencing, to the SLOAPCD;
2. Preparation of an asbestos survey conducted by a Certified Asbestos Consultant; and
3. Implementation of applicable removal and disposal protocol and requirements for identified NOA.

### **Conclusion**

Standard mitigation measures have been identified above to address potential project impacts associated with sensitive receptors' exposure to air pollutants and potential impacts associated with NOA and materials containing asbestos. Upon implementation of the identified mitigation measures, residual impacts associated with air quality would be less than significant.

#### 4. BIOLOGICAL RESOURCES

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	1, 2, 53	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	1, 2, 53	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	1, 2, 16, 53	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	2, 53	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	2, 15	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### **Evaluation**

This evaluation is based, in part, on the *Biological Resources Assessment (BRA) for the Village at the Palms, San Luis Obispo, San Luis Obispo County, California (Assessor's Parcel Number 052-162-021)* (Kevin Merk Associates, LLC [KMA] 2021; Attachment 2). The BRA prepared for the project includes the results of a desktop-level background review and a reconnaissance-level survey of the project site. Desktop-level background review included a review of Google Earth and other publicly available aerial imagery, review of soil types in the vicinity of the project site using the Natural Resources Conservation Service (NRCS) Web Soil Survey, a query of the California Natural Diversity Database (CNDDDB) for special-status species occurrences and natural communities in the vicinity of the project site, and review of other relevant databases, as necessary (KMA 2021). The reconnaissance-level survey of the project site was conducted on February 8, 2021, which is outside of the blooming period for most sensitive plant species (KMA 2021). The reconnaissance-level survey was conducted to determine the potential for special-status species and sensitive natural communities to occur within the project site based on data collected during the background review.

#### **Regional Setting**

The city is generally surrounded by open space, rangeland used for grazing, and other agricultural uses that support a variety of natural habitats and plant communities. The city's many creeks provide sheltered corridors that allow local wildlife to move between habitats and open space areas. The City's COSE identifies various goals and policies to maintain, enhance, and protect natural communities within the City's planning area. These policies include, but are not limited to, protection of listed species and species of special concern, preservation of existing wildlife corridors, protection of significant trees, and maintaining development setbacks from creeks.

### Existing Conditions

The project site is in a previously developed portion of the city at the corner of Palomar Avenue and Ramona Drive. Old Garden Creek currently flows through the central portion of the project area. Old Garden Creek is an intermittent stream and is a tributary to Stenner Creek; Stenner Creek is a tributary to San Luis Obispo Creek. Within the project site, there is a surface parking lot located to the east and the west of Old Garden Creek and ornamental landscaping is present throughout the project area. Topography of the site is predominantly flat with the elevation ranging from 235 to 240 feet. The project area is dominated by three habitat types including ornamental (landscaping), developed/ruderal (surface parking lot), and riparian (within the Old Garden Creek bed). Riparian habitat is considered a sensitive biological resource by the City's COSE and the California Department of Fish and Wildlife (CDFW) (KMA 2021). Ornamental landscaping includes palm trees, roses, succulents, fruit trees, creeping vines, and English ivy (*Hedera helix*). Developed/ruderal habitat consists of bare ground and pavement. Riparian vegetation includes coast live oak (*Quercus agrifolia*), arroyo willow (*Salix lasiolepis*), toyon (*Heteromeles arbutifolia*), poison oak (*Toxicodendron diversilobum*), coyote brush (*Baccharis pilularis*), and California black walnut (*Juglans californica*) within the Old Garden Creek bed. Based on the presence of coast live oak and arroyo willow, the riparian habitat on-site aligns with the Central Coast Live Oak Riparian Forest community (riparian forest community), which is a sensitive natural community with a State Rarity Rank of 3.2 (KMA 2021).

### Wetlands and Jurisdictional Waters

Based on desktop-level background review of the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Surface Water and Wetlands Mapper, Old Garden Creek, which runs through the central portion of the project site, is identified as a freshwater forested/shrub wetland. The San Luis Obispo, California U.S. Geological Survey (USGS) 7.5-minute quadrangle identifies Old Garden Creek as an intermittent stream. During the reconnaissance survey on February 8, 2021, Old Garden Creek was observed to have a defined bed and bank and flowing water. Based on the presence of a defined bed and bank structure with seasonal flowing water that connects to San Luis Obispo Creek and ultimately the Pacific Ocean, Old Garden Creek is expected to be a water of the United States and State of California (KMA 2021). Old Garden Creek would be under the jurisdiction of U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA), RWQCB for Section 401 of the CWA, and the CDFW for Lake and Streambed Alteration Agreement (LSAA).

### Designated Critical Habitat

The project site is located within designated critical habitat for the California red-legged frog (CRLF) (*Rana draytonii*) (Unit SLO-3). Unit SLO-3 consists of designated critical habitat for CRLF, including a permanent and ephemeral aquatic breeding habitat, non-breeding aquatic and riparian habitat, upland habitat, and dispersal habitat for the species. This unit extends over 116,517 acres and provides connectivity within and between the inner Coast Range and the Santa Lucia Range. However, the project site does not provide suitable habitat for CRLF based on the lack of aquatic breeding habitat due to the inconsistent level and duration of water within Old Garden Creek. The riparian area on-site could support juvenile frogs but is highly unlikely because there is no breeding habitat within the vicinity of the project site. Therefore, there is no linkage between this site and other previously documented sites and CRLF is not anticipated to occur on-site (KMA 2021).

### Special-Status Species

Based on the desktop-level background review and the reconnaissance-level survey conducted for the project, the following special-status plant and animal species, sensitive natural communities, and designated critical habitat have the potential to occur on-site.

#### *Special-Status Plant Species*

Desktop-level background review determined that there was low potential for special-status plant species to occur within the project site due to the presence of previously developed areas. In addition, the riparian forest community on-site is narrow and supports dense clusters of non-native English ivy. Due to the presence of the non-native plant, native plants are not expected to occur within the riparian forest community. The following special-status plant species is the only species identified as having the potential to occur on-site:

- **California (southern) black walnut (*Juglans californica*):** This species is a California Rare Plant Ranking (CRPR) 4.2 and approximately five California black walnut trees were observed within the understory of the riparian forest community on-site during the reconnaissance-level field survey.



### ***Special-Status Animal Species***

Desktop-level background review of the CNDDDB identified numerous occurrences of special-status animal species within a 5-mile radius of the project area. Based on conditions at the site, the following 14 special-status animals were determined to have potential to occur within the project site at one point during their lifecycle:

- **Obscure bumble bee (*Bombus caliginosus*):** This species does not have a specific listing status but is a CDFW Special Animal. No suitable overwintering habitat was present on-site based on the highly maintained ornamental area and densely vegetated, narrow creek corridor. Historical records of this species date back from the 1940s to 1970s. Although there is limited potential for this species to occur on-site, there is little known about this species in San Luis Obispo County; therefore, this species is considered to have low potential to occur within the riparian forest community, ornamental landscaping, and ruderal/developed areas on-site.
- **San Luis Obispo pyrg (*Pyrgulopsis taylori*):** This species is an aquatic snail and does not have a specific listing status but is a CDFW Special Animal. There is suitable habitat for this species located within the Old Garden Creek bank. Suitable habitat for this species is confined to rocks and leaf litter within the riparian forest community on-site and is not anticipated to be located within the ruderal/developed or ornamental landscaping on-site due to the lack of freshwater.
- **Northern California legless lizard (*Anniella pulchra*):** This species is a CDFW Species of Special Concern (SSC). There is suitable habitat for this species located within the riparian forest community on-site and marginally suitable habitat located in the ornamental landscaping on-site where there is abundant leaf litter or other ground cover. This species would not occur within the ruderal/disturbed area on-site.
- **Cooper's hawk (*Accipiter cooperii*):** This species is on the CDFW Watch List for nesting. There is suitable foraging and nesting habitat located within the riparian forest community and ornamental landscaping on-site. This species is not anticipated to occur within the ruderal/developed vegetation on-site.
- **Ferruginous hawk (*Buteo regalis*):** This species is on the CDFW Watch List for wintering sites, and it occurs in the project region in the winter. There is potential for this species to perch or nest in the riparian forest community and/or ornamental landscaping on-site. Therefore, there is marginally suitable habitat for this species on-site. This species is not anticipated to occur within the ruderal/developed area on-site.
- **Loggerhead shrike (*Lanius ludovicianus*):** This species is a CDFW SSC for nesting. There is suitable nesting habitat for this species located throughout the riparian forest community and ornamental areas on-site. This species is not anticipated to occur within the ruderal/developed area on-site.
- **Prairie falcon (*Falco mexicanus*):** This species is on the CDFW Watch List for nesting. There were no stick nests indicative of raptors located within the riparian forest community or other locations on-site. There may be suitable nesting and roosting habitat located within the riparian forest community on-site. However, there is no foraging habitat within ornamental, riparian, or ruderal/disturbed areas on-site. Therefore, there is low potential for this species to occur.
- **Sharp-shinned hawk (*Accipiter striatus*):** This species is on the CDFW Watch List for nesting. There is no suitable nesting habitat located on-site; however, marginally suitable foraging habitat is present within the riparian forest community and ornamental landscaping on-site. This species is not anticipated to occur within the ruderal/developed area on-site.
- **Tricolored blackbird (*Agelaius tricolor*):** This species is a State Threatened species and a CDFW SSC for nesting colonies. There is no suitable breeding or nesting habitat for this species on-site; however, there is marginally suitable foraging habitat within the riparian forest community. This species is not anticipated to occur within the ruderal/developed area on-site.
- **White-tailed kite (*Elanus leucurus*):** This species is a CDFW fully protected species for nesting sites. There is marginally suitable foraging, nesting, and roosting habitat within the riparian forest community and ornamental landscaping on-site. Therefore, there is marginally suitable habitat for this species on-site. This species is not anticipated to occur within the ruderal/developed area on-site.
- **Yellow warbler (*Setophaga petechia*):** This species is a CDFW SSC for nesting. There is suitable nesting and foraging habitat within the riparian forest community on-site and marginally suitable nesting and foraging habitat within the

ornamental landscaping on-site. Therefore, there is suitable habitat for this species on-site. This species is not anticipated to occur within the ruderal/developed area on-site.

- **Pallid bat (*Antrozous pallidus*):** This species is a CDFW SSC. There is marginally suitable roosting habitat located within the riparian forest community on-site. Therefore, there is marginally suitable habitat for this species on-site. This species is not anticipated to occur within the ruderal/developed area on-site.
- **Townsend's big-eared bat (*Corynorhinus townsendii*):** This species is a CDFW SSC. There is suitable foraging habitat within the riparian forest community on-site. This species is not anticipated to roost within the ornamental vegetation or ruderal/developed area on-site based on high-human presence. Townsend's big-eared bats are highly sensitive toward human presence. Therefore, there is low potential for this species to occur on-site.
- **Western mastiff bat (*Eumops perotis californicus*):** This species is a CDFW SSC. There is suitable foraging habitat throughout the entire project site and potential roosting habitat within large trees or structures on-site. There is potential for this species to utilize existing structures within the ruderal/developed area; however, it is unlikely based on human activity.

- a) The project site consists of riparian, ornamental, and developed/ruderal habitat types. The riparian forest community and ornamental landscaping on-site may provide suitable habitat for special-status plant species. The project proposes a 25- to 28-foot setback from the top of bank on-site; therefore, special-status plant species that may be present within the riparian forest community are not anticipated to be directly disturbed by implementation of the project. Special-status animal species may be present within the riparian forest community and ornamental landscaping on-site. Implementation of the project includes removal of six non-native vegetation, including 2 Brisbane Box trees (6-9 inches), 1 Mondell Pine tree (14 inches), and 3 Evergreen Pear trees (4 inches), along the western property boundary, which may result in impacts to special-status bird, bat, or other species if present at the time of construction. Implementation of the project would predominantly disturb the ruderal/developed area (parking lot) on-site. There are no special-status plant or animal species anticipated to occur within the ruderal/developed area.

#### Special-Status Plants

Approximately five southern California black walnut trees are located within the understory of the riparian forest community, as observed during the reconnaissance-level survey. The project includes a 25- to-28-foot setback from the top of bank and would not include work or other disturbance within the riparian corridor that could result in significant adverse impacts to California black walnut within the riparian forest community on-site. Further botanical surveys are not necessary because the ornamental landscaping and ruderal/disturbed areas on-site do not provide suitable habitat for special-status plant species due to prior disturbance of the area. California black walnut occurrences within the project area are limited to the riparian forest community on-site, which would be avoided during implementation of the proposed project through implementation of a 25- to-28-foot setback from the top of bank. Therefore, potential impacts related to special-status plant species would be *less than significant*.

#### Special-Status Animals

Suitable habitat is present within the project site for the obscure bumble bee, San Luis Obispo pyrg, several migratory bird species, and roosting bat species located within the riparian forest community and/or ornamental landscaping on-site. As previously mentioned, the project includes a 25- to-28-foot setback from the top of bank and project activities would not result in habitat loss for identified special-status animal species that may be present within or use the riparian forest community on-site. If present on-site, San Luis Obispo pyrg individuals would be confined to the riparian corridor and are not anticipated to be adversely affected by construction activities based on implementation of the proposed setback. Therefore, implementation of the project is not anticipated to adversely affect San Luis Obispo pyrg species if present within the project site.

The project would avoid disturbance to the riparian corridor and, therefore, habitat loss for the obscure bumble bee. However, individuals of this species could move around the project site and may be directly or indirectly disturbed by implementation of the project if present within proposed disturbance areas. Mitigation Measure BIO-1 has been included to avoid or minimize potential impacts to obscure bumble bee.

There may be suitable habitat for northern California legless lizard within the leaf litter of both the ornamental landscaping and riparian forest community on-site. Although riparian habitat loss would not occur as a result of the project, work within

the ornamental landscaping on-site may result in direct or indirect impacts to northern California legless lizard if present on-site. Mitigation Measures BIO-2 and BIO-3 are provided to avoid and/or minimize potential impacts to the California legless lizard. With implementation of these measures, impacts would be reduced to less than significant.

Ornamental trees, riparian trees, and buildings within previously developed areas on-site may provide suitable nesting and foraging habitat for migratory birds passing through the project site. While riparian trees and vegetation would be avoided during construction activities, ornamental trees located outside of the riparian area along the western property line would be removed, as necessary, for implementation of the project. Mitigation Measures BIO-3 and BIO-4 have been included to reduce potential impacts to nesting migratory birds.

There is marginally suitable roosting bat habitat located within large trees and structures on-site. Impacts to roosting bats could occur if individuals are present in the ornamental trees during tree and vegetation removal, which may result in the direct take or other disturbance of individuals or temporary loss of ornamental trees that provide habitat. Mitigation Measures BIO-3 and BIO-5 have been included to avoid or minimize potential impacts to roosting bats.

Based on the presence of suitable habitat for identified special-status animal species, Mitigation Measures BIO-1 through BIO-5 have been included to avoid and/or minimize potential adverse impacts from implementation of the proposed project. In addition, Mitigation Measure BIO-6 has been included to require all construction and other workers to participate in an environmental awareness training outlining potential special-status species, potential impacts, and avoidance measures. In addition, while CRLF presence is highly unlikely as noted above, proposed avoidance of the creek channel, compliance with City stormwater requirements including preparation and implementation of an erosion and sediment control plan and Stormwater Pollution Prevention Plan (SWPPP), and implementation of mitigation measures including pre-construction surveys and awareness training would further ensure that any potential impacts to CRLF would be avoided or minimized to less than significant. Upon implementation of Mitigation Measures BIO-1 through BIO-6, impacts related to special-status plant and animal species would be *less than significant with mitigation*.

- b) Old Garden Creek flows through the central portion of the project site and supports a Central Coast Live Oak Riparian Forest Community (riparian forest community), which has a State Rarity Rank of 3.2. Additionally, the riparian habitat on-site is considered a sensitive biological resource by the City's COSE and the CDFW. The project includes a 25- to-28-foot setback from the Old Garden Creek top of bank. Mitigation Measure BIO-7 requires the setback to be delineated on all project plans and on-site during construction activities. Therefore, the project would avoid work within the riparian forest community and would not be required to obtain permits pursuant to Section 404 of the CWA or Section 401 of the CWA or Porter-Cologne Water Quality Control Act.

The project would result in approximately 57,000 square feet (1.31 acres) of ground disturbance including 1,575 cy of cut and 620 cy of fill. The project would be required to prepare a SWPPP with best management practices (BMPs) pursuant to the National Pollutant Discharge Elimination System (NPDES). BMPs would include, but are not limited to, erosion and pollution control measures, such as silt fencing, straw wattles, berms, and vehicle maintenance. Implementation of a SWPPP with BMPs would avoid and/or minimize potential erosive or polluted runoff that could adversely affect the riparian forest community. Therefore, with implementation of Mitigation Measure BIO-7 to delineate the proposed 25- to 28-foot top of bank setback on all project plans and implementation of the SWPPP and corresponding BMPs, potential impacts to sensitive natural communities would be *less than significant with mitigation*.

- c) As previously described, based on the presence of a defined bed and bank structure with seasonal flowing water that connects to San Luis Obispo Creek and ultimately the Pacific Ocean, Old Garden Creek is expected to be a water of the United States and State of California (KMA 2021). Mitigation Measure BIO-7 requires the proposed 25- to 28-foot setback from Old Garden Creek top of bank to be delineated on all project plans and on-site with protective fencing during all construction activities. The project does not include work within the riparian corridor that could result in direct alteration or other impacts to Old Garden Creek. However, the project would require 1.31 acres of ground disturbance including 1,575 cy of cut and 620 cy of fill and the use of construction vehicles and equipment that could result in indirect impacts, such as erosive or polluted runoff. Therefore, the project would be required to prepare and implement a SWPPP with BMPs, including, but not limited to, erosion and pollution control measures, such as silt fencing, straw wattles, berms, and vehicle maintenance. Additionally, the project would be required to prepare an erosion and sediment control plan in compliance with the City's stormwater requirements. The erosion and sediment control plan would require disturbed soils along the creek corridor to be restored to avoid impacts to Old Garden Creek. Therefore, with implementation of Mitigation Measure BIO-7, impacts to Old Garden Creek would be *less than significant with mitigation*.

- d) The project area is located near a designated wildlife corridor by the City's COSE. Old Garden Creek runs through the central portion of the project site and ultimately connects to San Luis Obispo Creek and provides habitat connectivity. Although Old Garden Creek provides potential wildlife connectivity on-site, implementation of the project would not interfere with the movement of migratory or native fish because the project does not include work within or alteration of the stream channel.

Suitable habitat for nesting birds and raptors is present within the ornamental landscaping along the western property boundary and the riparian habitat within the central portion of the project site. The project does not require work within the riparian corridor. Non-native ornamental landscaping would be removed along the western boundary of the project site, as necessary, for implementation of the project and may result in a temporary loss of habitat for migratory birds. Mitigation Measure BIO-3 would require the 6 trees that are removed to be replaced by native species at a 1:1 ratio. The project proposes to plant 40 new trees at a ratio of 6.7:1 which exceeds the minimum compensatory planting requirement. Therefore, habitat loss would be temporary. Further, Mitigation Measure BIO-4 would require nesting bird surveys prior to any ground-disturbing activity, including tree removal, to ensure there are no migratory bird species nesting on-site that could be directly affected by implementation of the project. If nesting migratory birds are present on-site during project implementation, Mitigation Measure BIO-4 requires avoidance of individuals through identified nest buffers. Therefore, upon implementation of Mitigation Measures BIO-3 and BIO-4, potential impacts to nesting birds would be *less than significant with mitigation*.

- e) The project site supports natural riparian trees, including California black walnut, coast live oak, and arroyo willow, within the riparian corridor that extend through the central portion of the site. Additionally, there are non-native ornamental trees along the western property boundary, outside of the riparian area. The project includes a 25- to 28-foot setback from the top of bank and would maintain existing vegetation with the riparian forest community. Mitigation Measure BIO-7 requires the setback to be delineated on all project plans and on the project site during construction activities to ensure avoidance of the riparian area. However, the project includes removal of 6 ornamental trees along the western portion of the property, including 2 Brisbane Box trees (6-9 inches), 1 Mondell Pine tree (14 inches), and 3 Evergreen Pear trees (4 inches), along the western property boundary, as necessary, for implementation of the project. In compliance with the City's Municipal Code (12.24.090), Mitigation Measure BIO-3, would require trees that are removed to be replaced by native species at a 1:1 ratio. The project proposes to plant 40 new trees at a ratio of 6.7:1 which exceeds the minimum compensatory planting requirement. Therefore, the project would not conflict with a local plan or ordinance for tree preservation.

The COSE includes various goals and policies to maintain, enhance, and protect natural communities within the City's planning area. These policies include, but are not limited to, protecting listed species and SSC, preserving existing wildlife corridors, protecting significant trees, and maintaining development setbacks from creeks. The project site provides suitable habitat for special-status plant and animal species within the ornamental landscaping and riparian habitat areas on-site. In addition, Old Garden Creek runs through the central portion of the project site and may be indirectly disturbed by project activities. The project includes a 25- to 28-foot setback from the top of bank and would avoid direct disturbance of Old Garden Creek and special-status plant species that may be located within the riparian area. The project would be required to prepare a SWPPP with construction BMPs, which would further avoid or reduce potential impacts to Old Garden Creek and the riparian area. The project would also be required to prepare an erosion and sediment control plan in accordance with the City's stormwater requirements to reduce indirect impact to Old Garden Creek. Implementation of Mitigation Measures BIO-1 through BIO-7 would avoid and/or minimize potential impacts related to biological resources protected by the City's COSE and other local policies and ordinances. Therefore, the potential impacts associated with conflicts with local policies would be *less than significant with mitigation*.

- f) The project is not located within an area under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan, and *no impacts* would occur.

### **Mitigation Measures**

**BIO-1 Obscure Bumble Bee.** Prior to any site disturbance and/or construction activities associated with the proposed project, the Applicant shall retain a City-approved qualified biologist to conduct preconstruction survey(s) for obscure bumble bee within suitable habitat areas (e.g., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site and areas within 50 feet of the project site. At a minimum, the survey effort shall include visual search methods targeting colonies or individuals. Upon completion

of the surveys, the biologist shall prepare a survey report summarizing the findings and submit it to the City Community Development Department.

If the survey(s) establish presence of obscure bumble bee within the areas of disturbance, the Applicant shall retain a City-approved biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the City Community Development Department in coordination with the California Department of Fish and Wildlife (CDFW). The Management Plan shall include avoidance measures to conduct project activities in such a manner that avoids physical disturbances to the colony/nest site, including a minimum 50-foot no disturbance buffer to avoid take and potentially significant impacts. Upon approval by the City Community Development Department and prior to and during construction, the Management Plan shall be implemented to ensure potentially significant impacts to the obscure bumble bee are avoided. Following approval, avoidance measures included in the Management Plan shall be implemented at appropriate times during construction activities.

- BIO-2 Northern California Legless Lizard.** Between 2 and 4 weeks prior to initiation of construction activities, a City-approved biologist shall conduct surveys for northern California legless lizards. The surveyor shall utilize hand search or cover board methods in areas of disturbance where northern California legless lizards are expected to be found (e.g., under shrubs, other vegetation, or debris within the ornamental and riparian habitats on-site). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys shall be completed immediately prior to and during grading activities. During grading activities, the City-approved biologist shall walk behind the grading equipment to capture legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles or amphibians observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on-site but outside of the work area. Following the survey and monitoring efforts, the City-approved biologist shall submit to the City a project completion report that documents the number of northern California legless lizards and other reptiles captured and relocated, and the number of legless lizards or other reptiles taken during grading activities. Observations of these species or other special-status species shall be documented on California Natural Diversity Database (CNDDDB) forms and submitted to the CDFW upon project completion.
- BIO-3 Tree Replacement.** In accordance with the City's Municipal Code for Tree Removal (12.24.090), trees that are removed with a minimum diameter at breast height (dbh) of 3 inches shall be replaced at a 1:1 ratio on-site. A compensatory tree planting program shall be developed and implemented and shall include areas within the creek setback area. Additional tree planting shall take place within the development as part of the landscaping effort to mitigate all tree removal on the site. The Applicant shall meet the final specifications of the City's municipal code for tree protection and replacement to receive permit approval.
- BIO-4 Migratory Birds.** If any ground disturbance will occur during the nesting bird season (February 1–September 15), prior to any ground-disturbing activity, a preconstruction nesting bird survey shall be conducted by a qualified biologist within 1 week prior to the start of activities. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be implemented for non-listed, passerine species and a 250-foot buffer will be implemented for raptor species. No construction activities will be permitted within established nesting bird buffers until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work shall be conducted until an appropriate buffer is determined in consultation with the City and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW.
- BIO-5 Roosting Bat Surveys.** Within 2 weeks prior to removal of any trees, a qualified biologist shall survey the proposed trees to be removed to identify if roosting bats are present. If bats are found to be roosting, tree removal will be postponed until such time that roosting bats are no longer present. If postponement is not feasible, a Bat Exclusion Plan shall be prepared by a qualified biologist and submitted to the CDFW and the City for review and approval prior to construction. At a minimum, the exclusion plan shall describe the proposed action, background on the surveys conducted to date, installation and removal of exclusion materials, and the reporting process.
- BIO-6 Worker Environmental Awareness Program.** As an additional protection measure to avoid impacts to the creek corridor, riparian habitat, nesting birds, and other wildlife, the project Applicant shall have a City-qualified biologist prepare a Worker Environmental Awareness Program that will be presented to all project personnel prior to the start of construction. This program shall detail measures to avoid impacts on biological resources and shall include a description

of special-status species potentially occurring on the project site and their natural history, the status of the species and their protection under environmental laws and regulations, and the penalties for take. Review of the erosion and sediment control measures (see Mitigation Measure BIO-7), as well as any other appropriate recommendations, shall be given as actions to avoid impacts to all wildlife during construction. Other aspects of the training shall include a description of general measures to protect wildlife, including:

1. Delineation of the allowable work area, staging areas, access points, and limits to vehicle access;
2. Storage of all pipes, metal tubing, or similar materials stored or stacked on the project site for one or more overnight periods shall be either securely capped before storage or thoroughly inspected for wildlife before the materials are moved, buried, capped, or otherwise used.
3. Inspected of materials stored on-site, such as lumber, plywood, and rolls of silt fence, for wildlife that may have sheltered under or within the materials;
4. Use of netting to exclude birds from nesting in construction materials;
5. Constructing escape ramps in all excavations and trenches more than 6-inches deep;
6. Contact information for the City-approved biologist and instructions should any wildlife species be detected in the work site;
7. Dust suppression methods during construction activities when necessary to meet air quality standards and protect biological resources; and
8. Methods for containment of food-related trash items (e.g., wrappers, cans, bottles, food scraps), small construction debris (e.g., nails, bits of metal and plastic), and other human-generated debris (e.g., cigarette butts) in animal-proof containers and removal from the site on a weekly basis.

All project personnel who have attended the training shall sign an attendance sheet. The program shall be repeated for any new crews that arrive subsequently on the site.

**BIO-7 Riparian Area.** Prior to ground disturbance or other construction activity, the proposed 25- to 28-foot setback from the Old Garden Creek top of bank shall be identified on all construction plans and shall be mapped on-site through installation of protective fencing or other measures to demarcate the limits of construction in proximity to Old Garden Creek. Protective fencing shall remain in place for the duration of all grading and construction activities.

**Conclusion**

The project site supports suitable habitat for special-status plant and animal species, including southern California black walnut, San Luis Obispo pyrg, obscure bumble bee, northern California legless lizard, migratory bird species, and roosting bat species. Potential impacts would be avoided through project design and mitigated through implementation of requirements identified in Mitigation Measures BIO-1 through BIO-8, standard avoidance measures, and BMPs. The project would be setback 25 to 28 feet from Old Garden Creek top of bank and would not conflict with local plans or policies for protection of biological resources with implementation of the Mitigation Measures BIO-1 through BIO-7. Therefore, potential impacts to biological resources would be *less than significant with mitigation*.

**5. CULTURAL RESOURCES**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historic resource pursuant to §15064.5?	1, 5, 17, 18, 54	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	2, 17, 18, 54	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



c) Disturb any human remains, including those interred outside of formal cemeteries?	2, 17, 18, 54	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Evaluation**

This evaluation is based, in part, on the *Phase 1 and Phase 2 Archaeological Evaluations of Property at 61 Broad Street* (Heritage Discoveries 1997). The Phase 1 and Phase 2 Archaeological Evaluations included desktop-level background review, an archaeological survey, and subsurface archaeological testing. Desktop-level review consisted of review of relevant maps, databases, site records, and historical references. Other background research was conducted at the Central Coast Information Center (CCIC) at the University of California, Santa Barbara. The project site is generally considered to be a potential archaeologically sensitive area based on previous archaeological studies conducted in the vicinity of the project site and its proximity to Old Garden Creek, which traverses the central portion of the project area. Based on the potential archaeological sensitivity of the area, both surface and subsurface archaeological testing was conducted by a certified archaeologist in addition to extensive background research (Heritage Discoveries 1997). Subsurface testing included manually and mechanically digging seven test pits to evaluate the potential for buried archaeological resources to be present on-site. No archaeological resources were identified within the project site as result of the survey or subsurface testing (Heritage Discoveries 1997).

**Pre-Historic Setting**

Archaeological evidence demonstrates that Native American groups (including the Chumash) have occupied the Central Coast for at least 10,000 years. The city of San Luis Obispo is located within the area historically occupied by the Obispeño Chumash, the northernmost of the Chumash people of California. The Obispeño Chumash occupied much of San Luis Obispo County, and the earliest evidence of human occupation in the region comes from archaeological sites along the coast. The project site is located near a Burial Sensitivity Area associated with Old Garden Creek and Stenner Creek identified in Figure 1 of the City’s COSE.

**Historic Setting**

The City’s COSE establishes various goals and policies to balance cultural and historical resource preservation with other community goals. These policies include, but are not limited to, the following:

- Identification, preservation, and rehabilitation of significant historic and architectural resources;
- Prevention of demolition of historically or architecturally significant buildings unless doing so is necessary to remove a threat to health and safety;
- Consistency in the design of new buildings in historical districts to reflect the form, spacing, and materials of nearby historic structures; and
- Identification and protection of neighborhoods or districts having historical character due to the collective effect of Contributing or Master List historic properties.

The project site is not located within the Historic Preservation (H) Overlay Zone, nor does it contain any built structures that may be considered potentially eligible historic resources.

- a) Neither the project site nor immediate vicinity contain buildings or structures that are old enough to qualify as potentially eligible historic resources. In addition, the project does not require demolition of existing buildings or structures that could be listed or eligible for listing as a historic resource. Therefore, the project would not result in a substantial adverse change in the significance of a historic resource pursuant to Section 15064.5 and potential impacts would be *less than significant*.
- b) No archaeological resources are known to occur within the project site. Mitigation Measures CR-1 and CR-2 are provided to address inadvertent discovery during project construction to ensure potential impacts would be *less than significant with mitigation*.
- c) Although no human remains are known to occur within proposed development areas, the project site is located near a Burial Sensitivity Area associated with Old Garden Creek and Stenner Creek identified in Figure 1 of the City’s COSE. Potential impacts related to disturbance of human remains would be less than significant with implementation of Mitigation Measure CR-3. Therefore, impacts related to disturbance of human remains would be *less than significant with mitigation*.

### **Mitigation Measures**

**CR-1** Prior to construction activities, a City-qualified archaeologist shall conduct cultural resource awareness training for all construction personnel, including the following:

1. Review the types of archaeological artifacts that may be uncovered;
2. Provide examples of common archaeological artifacts to examine;
3. Review what makes an archaeological resource significant to archaeologists and local Native Americans;
4. Describe procedures for notifying involved or interested parties in case of a new discovery;
5. Describe reporting requirements and responsibilities of construction personnel;
6. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and
7. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

**CR-2** If cultural resources are encountered during subsurface earthwork activities, all ground-disturbing activities within a 25-foot radius of the find shall cease and the City shall be notified immediately. Work shall not continue until a City-qualified archaeologist assesses the find and determines the need for further study. If the find includes Native American-affiliated materials, a local Native American tribal representative will be contacted to work in conjunction with the City-approved archaeologist to determine the need for further study. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement. Any previously unidentified resources found during construction shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of California Environmental Quality Act (CEQA) criteria by a qualified archaeologist.

If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan, in conjunction with locally affiliated Native American representative(s) as necessary, that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report, and file it with the Central Coast Information Center (CCIC), located at the University of California, Santa Barbara, and provide for the permanent curation of the recovered materials.

**CR-3** In the event that human remains are exposed during ground-disturbing activities associated with the project, an immediate halt work order shall be issued, and the City Community Development Director and locally affiliated Native American representative(s) (as necessary) shall be notified. California Health and Safety Code Section 7050.5 requires that no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall notify the Native American Heritage Commission within 24 hours. These requirements shall be printed on all building and grading plans.

### **Conclusion**

With implementation of the recommended Mitigation Measures CR-1 through CR-3, the project would have a less-than-significant impact on cultural resources.

## 6. ENERGY

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	1, 17, 19, 21	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	1, 17, 19, 20, 21	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Evaluation

Pacific Gas & Electric Company (PG&E) has historically been the primary electricity provider for the City. In October 2018, the City Council committed to joining 3CE and, beginning in January 2020, 3CE has become an alternative electricity provider within the city. 3CE is striving to provide 100% carbon-free electricity to the city by 2030. This analysis assumes electricity for the proposed project would be supplied by PG&E given the rest of the development Village at the Palms is supplied by PG&E.

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

The City's COSE establishes goals and policies to achieve energy conservation and increase use of cleaner, renewable, and locally controlled energy sources. These goals include increasing the use of sustainable energy sources and reducing reliance on non-sustainable energy sources to the extent possible and encouraging the provision for and protection of solar access. Policies identified to achieve these goals include, but are not limited to, use of best available practices in energy conservation, procurement, use, and production; energy-efficiency improvements; pedestrian- and bicycle-friendly facility design; and fostering alternative transportation modes.

a) During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the city. Federal and State regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling; therefore, potential impacts associated with construction energy use would be *less than significant*.

Operation of the project would result in an overall increase in consumption of energy resources associated with vehicle trips, electricity, and natural gas usage by project occupants. The project would include eight electric vehicle (EV) vehicle parking spaces with charging stations and eight bicycle parking spaces to encourage vehicle fuel reduction. The project would be designed in full compliance with the CBC, including applicable green building standards. New buildings would be all electric or mixed-fuel buildings and would be required to be in full compliance with the City's Energy Reach Code. Compliance with existing building codes would ensure the project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, and would not result in a significant environmental impact; therefore, impacts would be *less than significant*.

b) The project would be designed in full compliance with the CBC including applicable green building standards. The project would be consistent with energy goals and policies in the COSE associated with use of best available practices in energy conservation and encouraging energy-efficient building design. Therefore, the project would not result in a conflict with or obstruction of a State or local plan for renewable energy or energy efficiency, and impacts would be *less than significant*.

**Mitigation Measures**

Mitigation measures are not required.

**Conclusion**

The project has been located and designed in full compliance with applicable energy efficiency standards and would not conflict with State or local plans for renewable energy or energy efficiency. No potentially significant impacts related to energy would occur, and mitigation measures are not required.

**7. GEOLOGY AND SOILS**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	22, 23, 26	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	22, 23	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	23, 24, 25	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	25, 26	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	25	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	23, 24, 25	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 1802.3.2 of the California Building Code (2013), creating substantial direct or indirect risks to life or property?	25	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	27	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Evaluation**

The *City of San Luis Obispo General Plan Safety Element* identifies active, potentially active, and inactive mapped and inferred faults with the potential to affect the city in the event of rupture. The Los Osos Fault, adjacent to the western side of the city of San Luis Obispo, is identified under the State of California Alquist-Priolo Fault Hazards Act and is classified as active. The West Huasna, Oceanic, and Edna Faults are considered potentially active and present a moderate fault rupture hazard to developments near them. The San Andreas Fault and offshore Hosgri Fault, which present the most likely source of ground shaking for San Luis Obispo, have a high probability of producing a major earthquake within an average lifespan. The highest risk from ground shaking is found on deep soils that were deposited by water, are geologically recent, and have many pore spaces among the soil

grains. These soils are typically found in valleys. Faults capable of producing strong ground-shaking motion in San Luis Obispo include the Los Osos, Point San Luis, Black Mountain, Rinconada, Wilmar, Pecho, Hosgri, La Panza, and San Andreas Faults. Engineering standards and building codes set minimum design and construction methods for structures to resist seismic shaking. Based on the Department of Conservation (DOC) Fault Activity Map and the City's Safety Element Earthquake Faults – Local Area map, the project site is not located within or in the immediate vicinity of an active fault zone.

#### **Seismic-Related Ground Failure**

Settlement is defined as the condition in which a portion of the ground supporting part of a structure or facility lowers more than the rest or becomes softer, usually because ground shaking reduces the voids between soil particles, often with groundwater rising in the process. Liquefaction is the sudden loss of the soil's supporting strength due to groundwater filling and lubricating the spaces between soil particles because of ground shaking. Soils with high risk for liquefaction are typically sandy and in creek floodplains or close to lakes. In extreme cases of liquefaction, structures can tilt, break apart, or sink into the ground. The likelihood of liquefaction increases with the strength and duration of an earthquake. Based on the Ground Shaking and Landslide Hazards Map in the City's Safety Element, the project site is located within an area with high liquefaction potential.

#### **Slope Instability and Landslides**

Slope instability can occur as a gradual spreading of soil, a relatively sudden slippage, a rockfall, or in other forms. Causes include steep slopes, inherently weak soils, saturated soils, and earthquakes. Improper grading and manmade drainage can be contributing factors. Much of the development in San Luis Obispo is in valleys, where there is low potential for slope instability. Based on the Ground Shaking and Landslide Hazards Map in the City's Safety Element, the project site is located within an area with low landslide potential.

#### **Subsidence**

Land subsidence is a gradual settling or sudden sinking of the Earth's surface due to subsurface movement of earth materials. Primary causes are groundwater withdrawal, in which water is removed from pore space as the water table drops, causing the ground surface to settle; tectonic subsidence, where the ground surface is warped or dropped lower due to geologic factors such as faulting or folding; and earthquake-induced shaking that causes sediment liquefaction, which in turn can lead to ground-surface subsidence. Based on the USGS Areas of Land Subsidence in California Map, the project site is not located in an area of known subsidence.

#### **Soil Limiting Factors**

The project site is mostly underlain by the Cropley clay, 2 to 9 percent slopes, Major Land Resource Area (MLRA) 14 and soil unit. This moderately well-drained soil has a medium runoff class and a depth to restrictive feature of more than 80 inches. The typical profile for this soil unit is clay and sandy clay loam. Since the soil consists of clay and clay materials, there is potential for expansion. The project site is also underlain by the Los Osos loam, 15 to 30 percent slopes, soil unit. This well-drained soil unit has a very high runoff class and a depth to restrictive feature of 20 to 40 inches to paralithic bedrock. The typical profile for this soil type consists of loam, clay, sandy loam, and bedrock.

- a.i) Fault rupture refers to the displacement of ground surface along a fault trace that typically occurs during earthquakes of a magnitude 5 or higher. Based on Figure 3 (Earthquake Faults – Local Area) of the City's Safety Element and the DOC Fault Activity Map of California, no known fault lines are mapped on or within 0.5 mile of the project site. Therefore, the rupture of a known earthquake fault directly under or adjacent to the project site is not anticipated to occur and potential impacts related to substantial adverse effects involving rupture of a known earthquake fault would be *less than significant*.
- a.ii) The city is in a seismically active region and there is potential for the project to experience seismic ground shaking at some point(s) during the life of the project. The proposed development would be required to be designed in full compliance with seismic design criteria established in CBC Section 1613 and City-adopted engineering standards and practices to adequately withstand and minimize the risk associated with the level of seismic ground shaking expected to occur in the project region; therefore, impacts associated with strong seismic ground shaking would be *less than significant*.
- a.iii) Based on the Ground Shaking and Landslide Hazards Map in the City's Safety Element, the project site is located within an area with high liquefaction potential. Development of the project within this area may have the potential to result in adverse effects due to seismic-related ground failure. A soils report prepared by a qualified engineer is required upon review of the building permit to address the nature of the subsurface soils in response to liquefaction potential, in

accordance with CBC Chapter 18. Any issues identified in the report will be addressed through standard site construction techniques, as required by the CBC. This report would also ensure consistency with Policy 4.7 of the City's Safety Element, which states proposed development may be in high liquefaction potential areas only after completion of a site-specific investigation for risk of damage from liquefaction. In addition, the proposed development would be required to be designed in compliance with standard seismic design criteria established in CBC Section 1613 to reduce risk associated with seismic-related ground failure, including liquefaction. Therefore, based on compliance with existing regulations, impacts related to substantial adverse effects due to seismic-related ground failure would be *less than significant*.

- a.iv) Based on the Ground Shaking and Landslide Hazards Map in the City's Safety Element, the project site is located within an area of low landslide potential. The project site and surrounding areas are predominantly flat, which further reduces the risk for a landslide to occur. In addition, the proposed development would be required to be designed in compliance with standard seismic design criteria established in the CBC and City adopted engineering standards and practices to reduce risk associated with seismic-related ground failure; therefore, the project would not result in significant adverse effects associated with landslides, and impacts would be *less than significant*.
- b) The proposed project includes 1.31 acres (57,000 square feet) of ground disturbance including 1,575 cy of cut and 620 cy of fill that could result in increased soil erosion during proposed project activities. The project site is characterized by a previously developed surface parking lot and relatively flat topography, which would reduce the potential for substantial erosion or loss of topsoil during implementation of the project. Based on the amount of proposed ground disturbance, preparation of SWPPP with construction BMPs for erosion control, including, but not limited to, silt fencing, straw wattles, and berms, would be required for the project. Addition of standard construction BMPs would minimize the amount of erosive runoff from the site during ground-disturbing activities. The project would be required to comply with the Central Coast RWQCB requirements set forth in their Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region. Physical improvement of the project site would also be required to comply with the drainage requirements of the City's *Waterway Management Plan*. This plan was adopted for the purpose of ensuring water quality and proper drainage within the City's watershed. Based on the proximity of the project to Old Garden Creek, increased erosion may result in increased erosive runoff. The project would be required to prepare an erosion and sediment control plan in compliance with the City's stormwater requirements. The erosion and sediment control plan would require restoration of soils along the Old Garden Creek corridor to avoid long-term impacts related to erosion and sedimentation. Following project completion, the project site would be developed with buildings, hardscapes, and landscaping, precluding the potential for substantial long-term erosion or loss of topsoil. Therefore, based on required compliance with existing requirements, potential impacts related to increased erosion would be *less than significant*.
- c) Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Ground Shaking and Landslide Hazards Map in the City's Safety Element, the project site is located on relatively flat land within an area with low landslide potential. Based on the City's Safety Element and USGS data, the project site is not located in an area of historical or current land subsidence. Based on the Ground Shaking and Landslide Hazards Map in the City's Safety Element, the project site is located within an area with high liquefaction potential. A soils report prepared by a qualified engineer is required upon review of the building permit to address the nature of the subsurface soils in response to liquefaction potential, in accordance with the CBC Chapter 18. Any issues identified in the report will be addressed through standard site construction techniques, as required by the CBC. The project would also be required to comply with CBC Section 1613 for seismic requirements to address potential seismic-related ground failure, including lateral spread and liquefaction. Therefore, based on compliance with existing regulations, potential impacts related to location on a geologic unit or soil unit that is unstable would be *less than significant*.
- d) Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is in an area predominantly underlain by Cropley clay, 2 to 9 percent slopes. The southwestern portion of the project site is also underlain by Los Osos loam, 15 to 30 percent slopes. Typically, soils that consist of clay or clay materials have a higher shrink-swell potential than soils without clay or clay materials. The soil profile of Cropley clay, 2 to 9 percent slopes consists of clay materials and would be considered to have a high shrink-well potential. The volume changes that soils undergo in this cyclical pattern can stress and damage slabs and foundations. A soils report prepared by a qualified engineer is required, per CBC Chapter 18 and Policy 4.7 of the City's Safety Element, upon review of the building permit to evaluate the proposed development activities and provide specific recommendations to adequately protect future proposed development against soil stability hazards, including expansive soils. Typical precautionary measures would likely include premoistening of the underlying soil in conjunction with placement of non-expansive material beneath slabs, and a deepened and more



heavily reinforced foundation. Therefore, based on compliance with existing regulations, potential impacts associated with expansive soils would be *less than significant*.

- e) The proposed project includes a new connection to the City’s sewer system. No septic tanks or alternative wastewater treatment systems are proposed on-site; therefore, *no impacts* would occur.
- f) The project site is underlain by the Franciscan Assemblage, which is comprised of previously sheared, slightly metamorphosed marine sedimentary and mafic volcanic rocks. Based on the lack of previously recorded vertebrate fossils and previous destruction of the parent material during subduction and metamorphosis, the Franciscan Assemblage has been determined to have a low paleontological sensitivity. Further, the project site has been previously developed as a surface parking lot, which further reduces the potential to uncover unknown paleontological resources. Ground disturbance activities are not anticipated to uncover or otherwise disturb any known or unknown paleontological resources; therefore, impacts would be *less than significant*.

**Mitigation Measures**

Mitigation measures are not required.

**Conclusion**

Based on the location of the project site and underlying geologic and soil properties, and compliance with existing regulations including the CBC, potential impacts related to seismic and other ground failure and damage to paleontological resources would be less than significant. However, earthwork related to project construction has the potential to result in erosive runoff. Compliance with existing regulations would reduce impacts to less than significant.

**8. GREENHOUSE GAS EMISSIONS**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	1, 11, 20, 55	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	11, 19, 20, 55	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Evaluation**

Greenhouse gases (GHGs) are any gases that absorb infrared radiation in the atmosphere and are different from the criteria pollutants discussed in Section 3, *Air Quality*. The primary GHGs that are emitted into the atmosphere because of human activities are CO<sub>2</sub>, methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated gases. In 2012 the City’s *Climate Action Plan for Community Recovery* was adopted that identified measures and implementation strategies to achieve the City’s GHG reduction target of 1990 emission levels by 2020. In 2020 the City prepared the updated 2020 CAP, which outlines a strategy for achieving carbon neutrality by 2035, adopts sector specific goals, and provides foundational actions to establish a trajectory towards achieving those goals.

In 2018 the City prepared a community-wide inventory of GHG emissions for the 2016 calendar year. In 2016 San Luis Obispo’s total GHG emissions were estimated to be 339,290 metric tons of carbon dioxide equivalence (MTCO<sub>2e</sub>). As in 2005, transportation was the largest contributor to the City’s total GHG emissions, with an estimated 212,980 MTCO<sub>2e</sub> or 63% of the City’s total emissions. Commercial and Industrial energy was the second largest sector with GHG emissions of 44,270 MTCO<sub>2e</sub> or 13% of the City’s total emissions. The sectors of residential energy and solid waste account for the remaining 26% of the City’s total 2016 GHG emissions. Due to lagging data availability, 2016 is the most recent year for complete GHG inventory data. Statewide legislation, rules, and regulations have been adopted to reduce GHG emissions from significant sources. Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the State’s GHG reduction goals and required the CARB to regulate sources of GHGs to meet a State goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and

80% below 1990 levels by 2050. Other Statewide policies adopted to reduce GHG emissions include Assembly Bill (AB) 32, SB 375, SB 97, Clean Car Standards, Low Carbon Fuel Standard, Renewable Portfolio Standard, California Building Codes, and the California Solar Initiative.

Appendix C of the 2020 CAP includes thresholds and guidance for the preparation of GHG emissions analysis under CEQA for projects within the city. To support progress toward the City’s long-term aspirational carbon neutrality goal, plans and projects within the city that undergo CEQA review will need to demonstrate consistency with targets in the CAP, a Qualified GHG Emissions Reduction Plan, consistent with CEQA Guidelines Section 15183.5. According to the adopted SLOAPCD guidance, if a project is consistent with a qualified GHG reduction strategy, such as the City’s 2020 CAP, the project would not result in a significant impact.

In October 2018, the City Council committed to joining 3CE, an existing community choice energy program that serves Santa Cruz, San Benito, and Monterey Counties and provides 100% carbon-free electricity with a rate savings relative to PG&E. Additionally, at its meeting on September 3, 2019, the City Council adopted the Clean Energy Choice Program for New Buildings. Unlike other cities that are banning natural gas entirely, the proposed Clean Energy Choice Program encourages clean, efficient, and cost-effective all-electric new buildings through incentives, local amendments to the California Energy Code, and implementation of the Carbon Offset Program. New projects wishing to use natural gas will be required to build more efficient and higher performing buildings and offset natural gas use by performing retrofits on existing buildings or by paying an in-lieu fee that will be used for the same purpose. When paired with cost-comparable modern electric appliances and carbon-free electricity from C3E, all-electric new buildings are operationally GHG emissions-free and cost effective and help achieve the community’s climate action goals.

For this analysis, it is assumed that the Applicant is proposing the continued use of electricity by PG&E, given the rest of the Village at the Palms is served by PG&E. Unlike 3CE’s reliance of renewable energy resources, approximately 39% of electricity provided by PG&E is sourced from renewable resources and an additional 47% is sourced from non-renewable GHG-free resources (PG&E 2019).

- a) As discussed previously, the proposed project would be consistent with the land use density and projected growth of the City’s R-4 land use designation. As such, the project is expected to be consistent with the demographic and land use assumptions used for development of the City’s 2020 CAP.

The project would result in the expansion and operation of a residential care facility. During construction, fossil fuels and natural gas would be used by construction vehicles and equipment. The project would be required to comply with federal and State regulations in place that require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction GHG emissions were calculated using the CalEEMod, version 2020.4.0, computer program, included as Attachment 5. The project would result in approximately 226.03 MTCO<sub>2e</sub>/year of construction-related GHG-emissions without mitigation, over the 14-month construction period. To be conservative, amortized construction generated GHG emissions were included in annual operational GHG emissions estimates, included in Table 5 below. Based on required compliance with existing regulations and Mitigation Measure AQ-1, which identifies idling restrictions, construction of the project would generate less than the estimated 226.03 MTCO<sub>2e</sub>/year of GHG emissions.

Implementation of the project would result in operation of 59 new residential care units and 16 additional employees. The main sources of operational emissions include vehicle trips to and from the project site and energy use. The project would be designed in full compliance with the CBC, including applicable green building standards. The project is estimated to generate 148 ADT. Although operation of the project will create more than 110 trips per day, based on the City’s Residential VMT Screening Map, the project is in an area of the city that would result in average VMT less than or equal to 85% of the regional average, meaning a project in this area would result in VMT generation below the City’s adopted thresholds. Operational GHG emissions were estimated for this project using the CalEEMod, version 2020.4.0, computer program, included as Attachment 5. As shown in Table 5 below, the project would result in approximately 214.83 MTCO<sub>2e</sub>/year of operational GHG emissions without mitigation. Amortized GHG emissions, when averaged over an assumed 25-year life of a project, would total approximately 8.59 MTCO<sub>2e</sub>/year.

**Table 5. Operational GHG Emissions**

Source	Total MTCO <sub>2e</sub>
<i>Construction Emissions</i>	

Total Construction Emissions	214.84 MTCO <sub>2</sub> e/year
Amortized Construction Emissions (Over 25 Years)	8.59 MTCO <sub>2</sub> e/year
<b><i>Operational Emissions</i></b>	
Annual Operational Emissions	225.78 MTCO <sub>2</sub> e/year
Total Operational Emissions with Amortized Construction Emissions	234.37 MTCO <sub>2</sub> e/year
Service Population (Residents)	64 <sup>1</sup>
MTCO <sub>2</sub> e / Service Population	3.66 MTCO <sub>2</sub> e/year
2020 CAP Threshold (per resident)	0.7/resident (44.8 MTCO <sub>2</sub> e/year)
Reduction Required to Meet CAP Threshold (MTCO <sub>2</sub> e)	<del>189.57</del> <sup>230.71</sup> MTCO <sub>2</sub> e/year
Reduction Required to Meet CAP Threshold (MTCO <sub>2</sub> e/Service Population)	2.96 MTCO <sub>2</sub> e/year

Source: CalEEMod 2021 (v. 2020.4.0)

1. Population assumption based on proposed studio, one-bedroom, and two-bedroom units

As depicted in Table 5, operational GHG emissions for the proposed project would total approximately ~~234.37~~<sup>278.24</sup> MTCO<sub>2</sub>e/year. Based on a service population of 64 residents, the project's GHG emissions would exceed the GHG threshold of 0.7 MTCO<sub>2</sub>e per employee (44.8 MTCO<sub>2</sub>e based on a service population of 64) as established by the 2020 CAP. Operational emissions in Table 5 above represent a conservative estimate and it is highly likely that proposed project features including location near a mixed land uses, location near transit facilities, and location near bicycle and pedestrian facilities would reduce operational GHG emissions. In addition, Mitigation Measure GHG-1 has been incorporated to ensure consistency with the 2020 CAP. With implementation of Mitigation Measure GHG-1, operational impacts would be *less than significant with mitigation*.

b) The San Luis Obispo Council of Governments (SLOCOG) was assigned a GHG-reduction target of 11% from transportation sources by 2035. SLOCOG adopted the 2019 *Regional Transportation Plan/Sustainable Community Strategies (RTP/SCS)* in June 2019, which includes the region's SCS and meets the requirements of Senate Bill (SB) 375. In September 2018, the City Council directed City staff to develop a climate action plan with a reduction target of carbon neutrality by 2035. A carbon neutrality by 2035 target would require achieving a far greater reduction than the SB 32 requirements by 2030, as identified in the State's 2017 Scoping Plan. On July 20, 2020, SLOCOG issued a letter which determined that the City's CAP was consistent with the GHG reduction noted in the SCS for meeting the State's 2030 GHG-reduction target. As a result, determination of consistency with the City's CAP would ensure consistency with the GHG-reduction targets identified in the RTP/SCS.

The City's 2020 CAP identifies six pillars, each of which include long-term goals, measures, and foundational actions for reducing GHG emissions throughout the city. The pillars include:

1. Leading by Example: Create a Municipal Action Plan by 2020 and achieve carbon neutral government operations by 2030.
2. Clean Energy Systems: Achieve 100% carbon-free electricity by 2020.
3. Green Buildings: Generate no net new building emissions from on-site energy use by 2020 and achieve a 50% reduction in existing building on-site emissions (after accounting for 3CE) by 2030.
4. Connected Community: Achieve the General Plan mode split objective by 2030 and have 40% VMT by electric vehicles by 2030.
5. Circular Economy: Achieve 75% diversion of landfilled organic waste by 2025 and 90% by 2035.
6. Natural Solutions: Increase carbon sequestration on the San Luis Obispo Greenbelt and Urban Forest through compost application-based carbon farming activities and tree planting to be ongoing through 2035.

Projects that are consistent with the demographic forecasts and land use assumptions used in the 2020 CAP can utilize the City’s CEQA GHG Emissions Analysis Compliance Checklist to demonstrate consistency with the 2020 CAP’s GHG emissions reduction strategy. The demographic forecasts and land use assumptions of the CAP are based on the *City of San Luis Obispo General Plan Land Use Element (LUE)* and *City of San Luis Obispo General Plan Circulation Element*. If a plan or project is consistent with the existing 2014 General Plan land use and zoning designations of the project site, then the project would be considered consistent with the demographic forecasts and the land uses assumptions of the Climate Action Plan. The project is consistent with the City’s land use and zoning designation and would be consistent with the demographic and land use assumptions used for the development of the 2020 CAP. The proposed project would not result in an increase in employment or population estimates that would conflict with those used for development of the City’s CAP or SLOCOG’s RTP/SCS.

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition, a continuing care retirement community generates 2.5 ADT per occupied unit. The project would create 59 new continuing care retirement units, estimated to generate 148 ADT. Although operation of the project will create more than 110 trips per day, based on the City’s Residential VMT Screening Map, the project is in an area of the city that would result in average VMT less than or equal to 85% of the regional average, meaning a project in this area would result in VMT generation below the City’s adopted thresholds.

The City has prepared a CEQA GHG Emissions Analysis Compliance Checklist for plans and projects to ensure that they are consistent with the pillars of the CAP. Based on the analysis provided in Table 6, the project would be consistent with the City’s GHG Emissions Analysis Checklist with implementation of Mitigation Measure GHG-1. Mitigation measures and offsets have been incorporated to ensure consistency with the City’s 2020 CAP, which (in total) would achieve project-level GHG reductions more than 90%. For these reasons, with mitigation, the proposed project would not be inconsistent with SLOCOG’s RTP/SCS or the State’s 2017 Scoping Plan. Therefore, potential impacts associated with a conflict with a plan or policy adopted for the purpose of reducing GHG emissions of would be *less than significant*.

**Table 6. Project Consistency with the City’s Climate Action Plan**

Climate Action Plan Measures	Project Consistency
<b>Clean Energy Systems</b>	
Does the Project include an operational commitment to participate in Central Coast Community Energy?	<b>Consistent with Mitigation.</b> The project would be required to utilize energy from 3CE, as outlined in Mitigation Measure GHG-1.
<b>Green Buildings</b>	

<p>Does the Project exclusively include “All-electric buildings”? For the purpose of this checklist, the following definitions and exemptions apply:</p> <p><i>All-electric building.</i> A new building that has no natural gas plumbing installed within the building and that uses electricity as the source of energy for all space heating, water heating, cooking appliances, and clothes drying appliances. An All-Electric Building may be plumbed for the use of natural gas as fuel for appliances in a commercial kitchen.</p> <p>Specific exemptions to the requirements for all - electric buildings include:</p> <p>Commercial kitchens</p> <ol style="list-style-type: none"> <li>a. The extension of natural gas infrastructure into an industrial building for the purpose of supporting manufacturing processes (i.e., not including space conditioning).</li> <li>b. Accessory Dwelling Units that are attached to an existing single-family home. Essential Service Buildings including, but not limited to, public facilities, hospitals, medical centers and emergency operations centers.</li> <li>c. Temporary buildings.</li> <li>d. Gas line connections used exclusively for emergency generators.</li> <li>e. Any buildings or building components exempt from the California Energy Code.</li> <li>f. Residential subdivisions in process of permitting or constructing initial public improvements for any phase of a final map recorded prior to January 1, 2020, unless compliance is required by an existing Development Agreement.</li> </ol> <p>If the proposed project falls into an above exemption category, what measures are applicants taking to reduce on-site fossil fuel consumption to the maximum extent feasible? If not applicable (N/A), explain why this action is not relevant.</p>	<p><b>Consistent.</b> The project would include development of either all electric or mixed-fuel buildings and would be required to be in full compliance with the City’s Energy Reach Code and the project would be required to implement green building standards identified in the CBC. Additionally, the project proposes a commercial kitchen, which would likely use natural gas; however, this action has been accounted for in the 2020 CAP. Building design has been intended to emphasize electric power and to maximize photovoltaic energy.</p>
<p><b>Connected Community</b></p>	
<p>Does the Project comply with requirements in the City’s Municipal Code with no exceptions, including bicycle parking, bikeway design, and EV charging stations?</p>	<p><b>Consistent.</b> The project would include eight EV parking spaces and eight bicycle parking spaces, which is consistent with the requirements in the City’s Municipal Code. The project site is located near Class II bicycle facilities on Foothill boulevard and adjacent to existing bicycle facilities on Ramona Drive and Broad Street.</p>
<p>Is the estimated Project-generated Vehicle Miles Traveled (VMT) within the City’s adopted thresholds, as confirmed by the City’s Transportation Division?</p> <p>If “No,” does the Project/Plan include VMT mitigation strategies and/or a Transportation Demand Management (TDM) Plan approved by the City’s Transportation Division?</p>	<p><b>Consistent.</b> The project would create 59 new continuing care retirement units, estimated to generate 148 ADT. Although operation of the project would create more than 110 trips per day, based on the City’s Residential VMT Screening Map, the project is in an area of the city that would result in average VMT less than or equal to 85% of the regional average,</p>

	meaning a project in this area would result in VMT generation below the City’s adopted thresholds.
Does the Project demonstrate consistency with the City’s Bicycle Transportation Plan?	<b>Consistent.</b> The project includes eight bicycle parking spots. The project would be required to comply with the City’s Municipal Code for bicycle facilities including showers, lockers, and bicycle parking for the proposed development (17.70.180).
<i>Circular Economy</i>	
Will the Project subscribe all units and/or buildings to organic waste pick up and provide the appropriate on-site enclosures consistent with the provisions of the City of San Luis Obispo Development Standards for Solid Waste Services? Please provide a letter from San Luis Garbage company verifying that the project complies with their standards and requirements for organic waste pick up.	<b>Consistent.</b> The project would be subject to requirements of the City’s Development Standards for solid waste services. Based on these standards, the project would be required to include a minimum of two enclosed solid waste bins constructed in accordance with City standards and would be provided solid waste services by the City which would be picked up once a week.
<i>Natural Solutions</i>	
Does the Project comply with Municipal Code requirements for trees?	<b>Consistent.</b> The project would require removal of non-native vegetation, which would require compensation per Section 12.24.090 (Tree Removal) of the City’s Municipal Code.

**Mitigation Measures**

Implement Mitigation Measures AQ-1.

**GHG-1** A Greenhouse Gas Reduction Plan (GGRP) shall be prepared for the proposed project and shall be submitted to the City for review and approval prior to issuance of grading or building permits. The GGRP shall require annual impacts to be quantified over the life of the project to also account for reduction in project impacts due to future emission reduction technology that is included in the California Emissions Estimator Model (CalEEMod) and shall reduce annual greenhouse gas (GHG) emissions from the development by a minimum of ~~189.57~~276.08 metric tons of carbon dioxide equivalence (MTCO<sub>2</sub>e) per year over the operational life of the proposed project. GHG emissions may be reduced through the implementation of on-site mitigation measures, off-site mitigation measures, or through the purchase of carbon offsets. It is recommended that the GGRP incorporate GHG-reduction measures identified in the City of San Luis Obispo’s *CEQA GHG Emissions Analysis Compliance Checklist, Climate Action Plan Consistency Checklist for New Development*, as listed below. In the event that carbon offsets are required, carbon offsets shall be purchased from a validated/verifiable source, such as the *California Climate Action Registry*, and approved by City Planning staff prior to purchase. Demonstrated reduction of 276.08 MTCO<sub>2</sub>e per year over the operational life of the project could be achieved through a combination of the following specific measures. All or some of these measures may be elected and incorporated into the GGRP to provide the required reduction.

1. The project shall be provided electricity by 3CE.
2. Carbon offsets could be purchased from a validated/verifiable source, such as the California Climate Action Registry, and approved by City Planning staff prior to purchase.
3. The project shall be designed to minimize barriers to pedestrian access and interconnectivity.
4. The project shall be designed to provide safe and convenient access to public transit contiguous to the project site.

5. Additional Transportation Demand Management (TDM) reduction measures could be included to reduce vehicle miles traveled (VMT), which include but are not limited to:
  - a. Telecommuting;
  - b. Car sharing;
  - c. Shuttle service;
  - d. Carpools;
  - e. Vanpools;
  - f. Participation in the SLO Rideshare Back ‘N’ Forth Club;
  - g. Transit subsidies; and
  - h. Off-site sustainable transportation infrastructure improvements.
6. The project shall provide organic waste pick up and shall provide the appropriate on-site enclosures consistent with the provisions of the City’s Development Standards for Solid Waste Services.
7. Carbon offsets could be purchased from a validated/verifiable source, such as the *California Climate Action Registry*, and approved by City Planning staff prior to purchase.

**Conclusion**

The proposed project would generate GHG emissions during construction and operation in quantities that exceed the threshold established by the City’s 2020 CAP; therefore, the project would result in a potentially significant impact related to GHG emissions during project construction. Mitigation has been included that would ensure GHG emissions would be reduced below the applicable threshold and ensure the project is consistent with the six pillars of the 2020 CAP; therefore, impacts would be less than significant with mitigation.

**9. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	28, 29, 30	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	31	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	23	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	23, 51	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Evaluation**

The Hazardous Waste and Substances Site (“Cortese”) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to develop, at least annually, an updated Cortese List. Various State and local government agencies are required to track and document hazardous material release information for the Cortese List. The California Department of Toxic Substance Control (DTSC) EnviroStor database tracks DTSC cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal superfund sites, State response sites, voluntary cleanup sites, school cleanup sites, school investigation sites, and military evaluation sites. The State Water Resources Control Board (SWRCB) GeoTracker database contains records for sites that impact, or have the potential to impact, water in California, such as Leaking Underground Storage Tank (LUST) sites, Department of Defense sites, and Cleanup Program Sites. The remaining data regarding facilities or sites identified as meeting the Cortese List requirements can be located on the CalEPA website: <https://calepa.ca.gov/sitecleanup/corteselist/>.

Based on a review of the DTSC EnviroStor and SWRCB GeoTracker databases, the project site is not an active hazardous site, nor has it previously been recorded as a hazardous site. In addition, there are no active hazardous sites in the vicinity of the project site. There are several closed sites in the project vicinity—one closed Cleanup Program Site located approximately 380 feet northeast of the project site across Ramona Drive and four closed LUST sites located approximately 700 to 900 feet northeast of the project site along Foothill Boulevard—however, none of these sites are directly adjacent to the project site.

- a) Construction of the proposed project would require the use of commonly used hazardous substances (e.g., fuel, gasoline, cleaners, solvents, oils, paints, etc.). Construction contractors would be required to comply with applicable federal and State environmental and workplace safety laws for the handling of hazardous materials, including the federal Occupational Safety and Health Administration (OSHA) Process Safety Management Standard (California Code of Regulations [CCR] 29.1910.119), which includes requirements for preventing and minimizing the consequences of accidental release of hazardous materials. Mitigation Measure HAZ-1 identifies requirements for the use of hazardous materials during construction, including, but not limited to, spill kits provided on-site and setbacks for refueling in relation to the on-site creek. Operation of the project does not include the routine transport, use, or disposal of hazardous substances. Any commonly used hazardous substances utilized during operation of the project (e.g., cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. Therefore, potential impacts associated with the routine transport, use, or disposal of hazardous substances would be *less than significant with mitigation*.
- b) Construction activities associated with the project are anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and State environmental and workplace safety laws for the handling of hazardous materials, including the federal Occupational Safety and Health Administration (OSHA) Process Safety Management Standard (CCR 29.1910.119), which includes requirements for preventing and minimizing the consequences of accidental release of hazardous materials. Land preparation would require removal of the existing surface parking lot for construction of the proposed buildings. Therefore, ground-disturbing activities may expose contaminated soils containing aerially deposited lead (ADL), if present, within the project area. Mitigation Measure HAZ-1 has been included to ensure potential impacts associated with these hazards would be reduced by requiring proper monitoring, handling, and disposal of excavated materials and potentially hazardous materials or wastes per applicable federal, State, and local regulations. Further, as introduced in Section 3, *Air Quality*, the project site is within an area identified as having a potential

for NOA to occur. Pursuant to SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations, the Applicant is required to provide a geologic evaluation prior to any construction activities and comply with existing regulations regarding NOA, if present. Mitigation Measures AQ-3 and AQ-4 have been identified to require the Applicant to complete a geologic evaluation and follow all applicable protocol and procedures if NOA is determined to be present on-site.

Operation of the project does not require the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. Any commonly used hazardous substances utilized during operation of the project (e.g., cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. Therefore, potential impacts would be *less than significant with mitigation*.

- c) The nearest school is Pacheco Elementary School, located approximately 0.23 mile north of the project site. Operation of the project does not include the long-term use of hazardous materials or substances that could lead to significant upset due to accidental release conditions. Any commonly used hazardous substances utilized during construction or operation of the project (e.g., cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. As described above, during construction activities, contractors would be required to comply with the federal OSHA Process Safety Management Standard (CCR 29.1910.119), which includes requirements for preventing and minimizing the consequences of accidental release of hazardous materials. Further, Mitigation Measure HAZ-1 identifies requirements for the use of hazardous materials during construction including, but not limited to, spill kits provided on-site and setbacks for refueling in relation to the on-site creek. Implementation of Mitigation Measure HAZ-1 would reduce the potential for significant upset within 0.25 mile of a school. Although the project would be located within 0.25 mile of an existing school, the project would not result in the long-term use of any hazardous substances or materials and construction activities would be conducted in accordance with applicable federal and State laws. Therefore, impacts would be *less than significant with mitigation*.
- d) There are no previously identified hazardous materials sites within or adjacent to the project site. Based on a search of the DTSC EnviroStor database, SWRCB GeoTracker database, and CalEPA Cortese List website, there is one closed Cleanup Program Site located approximately 380 feet northeast of the project side across Ramona Drive and four closed LUST sites located approximately 700 to 900 feet northeast of the project site along Foothill Boulevard. The identified hazardous materials sites have been closed and hazardous materials associated with the sites are not anticipated to be present within the soils on-site. However, Mitigation Measure HAZ-1 would further reduce potential impacts by requiring proper monitoring, handling, and disposal of excavated materials and potentially hazardous materials or wastes per applicable federal, State, and local regulations. Therefore, potential impacts would be *less than significant with mitigation*.
- e) San Luis Obispo County Regional Airport is the nearest airport to the project site, located approximately 3.7 miles south of the project site. The project is outside of the Airport Influence Area and any Safety Zone designations established under the airport's Airport Land Use Plan (ALUP). Therefore, the project would not be located within 2 miles of an airport or under the jurisdiction of an ALUP, and *no impacts* would occur.
- f) Project construction may result in temporary traffic controls along Ramona Drive and/or Palomar Avenue; however, no full road closures would be necessary. Project implementation would not result in a significant temporary or permanent impact on any adopted emergency response plans or emergency evacuation plans. Therefore, the project would result in *less than significant impacts* related to the potential for impairment of implementation of emergency response plans or emergency evacuation plans.
- g) The project site is located within a developed area of the city and is not located within or adjacent to a wildland area. The project site is comprised of ruderal/developed land (surface parking lot), Old Garden Creek and associated native riparian vegetation, and ornamental landscaping. Implementation of the project would result in the development of two new buildings associated with the Village at the Palms expansion. New buildings would be required to comply with all applicable fire safety rules and regulations, including the California Fire Code and PRC. For these reasons, the project would result in *less than significant impacts* related to exposure to wildland fire.

### **Mitigation Measures**

Implement Mitigation Measures AQ-3 and AQ-4.

**HAZ-1** Prior to initiation of site preparation, vegetation removal, and earth-moving activities, the project contractor shall prepare and implement a Hazardous Materials Management Plan that details procedures that will be taken to ensure proper transport, use, and storage of hazardous construction materials and the appropriate handling, stockpiling, testing, and disposal of excavated materials to prevent the inadvertent release of hazardous construction materials and/or contaminated soil and demolished materials to the environment during construction activities. Elements of the plan shall include, but would not be limited to, the following:

**Worker Health and Safety**

1. Accident prevention measures.
2. Measures to address hazardous materials and other site-specific worker health and safety issues during construction, including the specific level of protection required for construction workers. This shall include preparation of a site-specific health and safety plan in accordance with federal Occupational Safety and Health Administration (OSHA) regulations (29 Code of Federal Regulations [CFR] 1910.120) and California Division of Occupational Safety and Health (Cal/OSHA) regulations (8 California Code of Regulations [CCR] 5192) to address worker health and safety issues during construction.
3. The requirement that all construction crew members be trained regarding best practices for the proper transport, use, and storage of hazardous construction materials and the appropriate handling, stockpiling, testing, and disposal of excavated materials prior to beginning work.

**Soil Contamination**

1. Procedures for the proper handling, stockpiling, testing, and disposal of excavated materials in accordance with CCR Title 14 and Title 22.
2. Soil contamination evaluation and management procedures, including how to properly identify potential contamination (e.g., soil staining, odors, or buried material), the requirement that construction activities within a 50-foot-radius of potentially contaminated soil be halted until the hazard has been assessed and appropriately addressed, the requirement that access to potentially contaminated areas be limited to properly trained personnel, and procedures for notification and reporting, including internal management and local agencies (e.g., fire department, City of San Luis Obispo), as needed.
3. Monitoring of ground-disturbing activities for soil contamination may include visual and organic vapor monitoring by personnel with appropriate hazardous materials training, including 40 hours of Hazardous Waste Operations and Emergency Response (HAZWOPER) training.
4. If visual and organic vapor monitoring indicates signs of suspected contaminated soil, then soil samples shall be collected and analyzed to characterize soil quality.
5. Evaluation of all potentially contaminated materials encountered during project construction activities in accordance with applicable federal, State, and local regulations and/or guidelines governing hazardous waste. All materials deemed to be hazardous shall be remediated and/or disposed of following applicable regulatory agency regulations and/or guidelines. Disposal sites for both remediated and non-remediated soils shall be identified prior to beginning construction. All evaluation, remediation, treatment, and/or disposal of hazardous waste shall be supervised and documented by qualified hazardous waste personnel.

**Hazardous Construction Materials**

1. Appropriate work practices necessary to effectively comply with applicable environmental laws and regulations, including hazardous materials management, handling, storage, disposal, and emergency response. These work practices include the following: an on-site hazardous material spill kit shall be provided for small spills; totally enclosed containment shall be provided for all trash; and all construction waste, including trash, litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, shall be removed to an appropriate waste facility permitted or otherwise authorized to treat, store, or dispose of such materials.

2. The requirement that hazardous construction materials must be stored and equipment must be refueled at least 50 feet from storm drain inlets, creeks, and other drainage features and covered with tarps or stored inside buildings to ensure that materials are not released to the air during windy conditions or exposed to rain.
3. Procedures for proper containment of any spills or inadvertent releases of hazardous materials.
4. Notification requirements in the event of an accidental release of hazardous materials into the environment. Construction crew members shall immediately notify a construction foreperson who shall then report the release to the City of San Luis Obispo to ensure the release is remediated in accordance with City requirements.

**Conclusion**

The project does not propose the long-term routine transport, use, handling, or disposal of hazardous substances; however, there is the potential for construction equipment to leak or lead to a hazardous materials spill. There is also potential for ground-disturbing activities to release ADL or other unknown hazardous materials, if present, on-site. Implementation of Mitigation Measure HAZ-1 would reduce impacts related to potential release of ADL and other unknown hazardous materials and/or accidental construction-related spills to less than significant. Although the project is located within 0.25 mile of a school, the project does not include the long-term use of hazardous materials or substances that could result in significant upset if accidentally released. Further Mitigation Measure HAZ-1 identifies cleanup protocol for any commonly used construction materials spills that would reduce the potential to result in significant upset within 0.25 mile of a school. Mitigation Measures AQ-3 and AQ-4 have been identified to require the Applicant to complete a geologic evaluation and follow all applicable protocol and procedures if NOA is determined to be present on-site. Project implementation would not subject people or structures to substantial risks associated with wildland fires and would not impair implementation of or interfere with any adopted emergency response or evacuation plan. Potential impacts associated with hazards and hazardous materials would be *less than significant with mitigation*.

**10. HYDROLOGY AND WATER QUALITY**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	1, 2, 53	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	1, 33, 34	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i. Result in substantial erosion or siltation on or off site;	1, 36, 53	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	1, 36, 53	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	1, 36, 53	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	1, 23, 32, 59	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	1, 2, 23, 32	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	1, 2, 33, 36	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Evaluation**

The project site is located within the San Luis Obispo Creek watershed and includes Old Garden Creek, which flows through the central portion of the project site. Old Garden Creek is a tributary to Stenner Creek. The San Luis Obispo Creek watershed is an approximately 53,271-acre coastal basin in southern San Luis Obispo County. It rises to an elevation of about 2,500 feet above sea level in the Santa Lucia Range. San Luis Obispo Creek flows to the Pacific Ocean just west of Avila Beach and has six major tributary basins: Stenner Creek, Prefumo Creek, Laguna Lake, East Branch San Luis Obispo Creek, Davenport Creek, and See Canyon.

The City is enrolled in the State General Permit NPDES permit program governing stormwater. As part of this enrollment, the City is required to implement the Central Coast RWQCB’s adopted Post-Construction Stormwater Management requirements through the development review process. The primary objective of these post-construction requirements is to ensure that the permittee is reducing pollutant discharges to the maximum extent practicable and preventing stormwater discharges from causing or contributing to a violation of receiving water quality standards in all applicable development projects that require approvals and/or permits issued.

The 100-year flood zone identifies areas that would be subject to inundation in a 100-year storm event, or a storm with a 1% chance of occurring in any given year. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map 06079C1066G, effective date November 16, 2012, the eastern portion of the project site is located within Zone AE, a 1% chance of annual flood.

In 2015 the State legislature approved the Sustainable Groundwater Management Act (SGMA), which requires governments and water agencies of high- and medium-priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under the SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. The project would be serviced by the City’s water system, which has four primary water sources—Whale Rock Reservoir, Salinas Reservoir, Nacimiento Reservoir, and recycled water (for irrigation)—with groundwater serving as a fifth supplemental source.

- a) The project would require the use of construction equipment that would increase the potential for polluted runoff during construction activities. The proposed project also includes 1.31 acres (57,000 square feet) of ground disturbance including 1,575 cy of cut and 620 cy of fill that could result in increased soil erosion during ground-disturbing activities. Project improvements would be located directly east and west of Old Garden Creek. Therefore, increased erosive and/or polluted runoff may result in indirect impacts to Old Garden Creek.

Based on the amount of proposed ground disturbance, consistent with the Municipal Code and as part of the building permit process, the project would require a SWPPP with BMPs including, but not limited to, erosion and pollution control measures such as silt fencing, straw wattles, berms, and vehicle maintenance and storage. Implementation of standard construction BMPs would reduce the potential for polluted runoff during equipment and vehicle use and would minimize the amount of erosive runoff from the site during ground-disturbing activities. In addition, Mitigation Measure HAZ-1 requires any accidental spills to be properly cleaned and for vehicles to be stored and refueled at least 50 feet away from Old Garden Creek to avoid any potential polluted runoff. The project would be required to comply with the Central Coast RWQCB requirements set forth in their Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast region.

Proposed physical improvement of the project site would also be required to comply with the drainage requirements of the City’s *Waterway Management Plan*. This plan was adopted for the purpose of ensuring water quality and proper drainage within the City’s watershed. As part of these requirements, the City has been mandated to establish a set of minimum designated BMPs and Pollution Prevention Methods (PPMs). BMPs are steps taken to minimize or control the amount of pollutants and runoff. PPMs are strategies to eliminate the use of polluting materials and/or exposure of potential pollutants to rainwater or other sources of runoff. Additionally, the project would be required to prepare an erosion and sediment control plan in compliance with the City’s stormwater requirements. The erosion and sediment control plan would require

restoration of soils along the Old Garden Creek corridor to avoid long-term impacts related to erosion and sedimentation. Following project completion, the project site would be developed with buildings, hardscapes, and landscaping, precluding the potential for substantial long-term erosion or loss of topsoil. Therefore, based on required compliance with existing requirements and implementation of Mitigation Measure HAZ-1, potential impacts related to violation of water quality standards would be *less than significant with mitigation*.

- b) As identified above, the project would be provided water through the City's water system, which has four primary water sources—Whale Rock Reservoir, Salinas Reservoir, Nacimiento Reservoir, and recycled water (for irrigation)—with groundwater serving as a fifth supplemental source. The City's diversification of water sources in the last several decades has allowed the City to maintain sufficient water supplies even following the driest years on record. The total water available for the City in the 2020 water year (October 1, 2019, to September 30, 2020) was 10,107 AFY, which included 215 AFY of recycled water. As this availability was adjusted following years of drought and updates to the City's safe annual yield model, the availability is considered a reasonable long-term safe yield value for the purposes of this analysis. The City's water demand for 2020 was 4,730 AF. The project site is currently comprised of impervious surfaces associated with the existing surface parking lot. Implementation of the project would result in new impervious surfaces, including smaller surface parking lots, buildings, and hardscapes. However, new impervious surfaces would be within the footprint of the existing surface parking lot and new surface parking lots would be built on pervious pavers, which would ultimately create less impervious surfaces on-site. Therefore, the project is not anticipated to disrupt groundwater recharge on-site. Therefore, the project would not deplete groundwater resources, and impacts would be *less than significant*.
- c.i-iii) The project construction consists of 1.31 acres (57,000 square feet) of ground disturbance, including 1,575 cy of cut and 620 cy of fill activity that could result in temporary impacts to drainage patterns in the area through erosive runoff. The project must develop and implement a SWPPP that includes BMPs to protect stormwater runoff, including measures to prevent soil erosion. In addition, the project would be required to prepare an erosion and sediment control plan in compliance with the City's stormwater requirements to reduce the potential for long-term erosion from implementation of the project. Following project construction, the project site would be developed with buildings, hardscapes, or otherwise landscaped areas, precluding the potential for substantial erosion or loss of topsoil. Further, the project would not result in the direct alteration of Old Garden Creek. The project includes a 25- to 28-foot setback and Mitigation Measure BIO-7 requires the setback to be clearly identified on-site and on project plans during construction activities.
- Implementation of the project would result in new impervious surfaces, including paved roads, hardscapes, and buildings that have potential to increase polluted runoff. However, new impervious surfaces would be within the footprint of the existing surface parking lot and new surface parking lots would be built on pervious pavers, which would ultimately reduce the amount of impervious surfaces on-site. Therefore, the reduction of impervious surface area on-site would reduce runoff at the project site. To meet the requirements of the City's Municipal Code (Chapter 12.08), the project would protect existing stormwater infrastructure and would include expanded infrastructure capable of supporting the project. The purpose of these features is to create infrastructure capable of conveying stormwater runoff from the project site to the City's utility connections that can support the additional runoff. Implementation of a SWPPP, as required by the Municipal Code and through the building permit process, and Mitigation Measures BIO-8 would minimize potential impacts to drainages during project construction; therefore, project impacts would be *less than significant with mitigation*.
- c.iv) According to FEMA Flood Insurance Rate Map 06079C1066G, effective date November 16, 2012, the eastern portion of the project site is located within Zone AE, a 1% chance of annual flood. However, the project does not include alteration of Old Garden Creek that would result in altered flood flows. Therefore, potential impacts associated with impeding or redirection of flood flows would be *less than significant*.
- d) Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami. The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, there would be *no impacts* associated with tsunami or seiche zones, and any potential risk of pollutant release due to project inundation due to flooding would be *less than significant*.
- e) Per the *City of San Luis Obispo General Plan Water and Wastewater Element*, Policy A2.2.1, the City has four primary water supply sources—Whale Rock Reservoir, Salinas Reservoir, Nacimiento Reservoir, and recycled water; groundwater serves as a fifth supplemental source. The City's diversification of water sources in the last several decades has allowed the City to maintain sufficient water supplies even following the driest years on record. The total water available for the City in the 2020 water year (October 1, 2019, to September 30, 2020) was 10,107 AFY, which included 215 AFY of

recycled water. As this availability was adjusted following years of drought and updates to the City’s safe annual yield model, the availability is considered a reasonable long-term safe yield value for the purposes of this analysis. The City’s water demand for 2020 was 4,730 AF. The project includes stormwater treatment and storage facilities and would not conflict with the City’s Waterways Management Plan or other water quality control plans. The project would not conflict with the SGMA, Central Coast Basin Plan, or other local or regional plans or policies intended to manage water quality or groundwater supplies; therefore, impacts would be *less than significant*.

**Mitigation Measures**

Implement Mitigation Measures HAZ-1 and BIO-7.

**Conclusion**

Through project design, implementation of Mitigation Measures HAZ-1 and BIO-7, standard BMPs, PPMs, and City Engineering Standards, the project would not substantially impede or redirect flood flows, alter existing drainage patterns, degrade surface water quality, decrease groundwater supplies, or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The project would retain the preconstruction infiltration rates and volume currently occurring on the unimproved project site. Therefore, potential impacts related to hydrology and water quality would be *less than significant with mitigation*.

**11. LAND USE AND PLANNING**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	1, 2, 5	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Evaluation**

The Village at the Palms Planned Development consists of three existing buildings, each on a separate parcel. The existing building located on APN 052-162-022 is known as “Garden Creek” and consists of an assisted living facility with 64 rooms; no changes are proposed to this parcel. The remaining two parcels were recently adjusted on October 16, 2020, under the lot line adjustment application SBDV-0246-2020 (SLO AL 20-0002). The existing building located on APN 052-162-018 (1.4 acres) is known as “The Oaks” and consists of a 50-unit senior living facility; no changes are proposed to this parcel. The existing building located on APN-052-162-021 (4.6 acres) is known as “The Palms” and consists of a 127-unit senior living facility; the proposed project and associated site improvements would be located within this parcel (henceforth referred to as Parcel 2 SLOAL 20-0002). In addition to Broad Street located along the project’s frontage, the project site is bound by Palomar Avenue to the west and Ramona Drive to the north. The project site is generally surrounded by one- and two-story commercial office uses, with a few remaining unimproved parcels, as summarized below:

- **Northeast:** commercial center (Foothill Plaza Shopping Center) and single-family residential development
- **Northwest:** commercial center (Foothill Plaza Shopping Center), Church of Jesus Christ Latter-day Saints, and apartment complex (Valencia Apartments)
- **Southwest:** planned apartment complex (The Academy Palomar) and low-density residential development
- **Southeast:** low-density residential development

a) The project would result in the expansion of an assisted living facility within the R-4-PD zone. The project would be surrounded by other residential land uses and would not physically divide an established community. The project would be consistent with the existing level of development in the project vicinity and would not create, close, or impede any



existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the project would not physically divide an established community and *no impacts* would occur.

- b) The project is consistent with existing surrounding development and proposes a compatible land use. The project would be generally consistent with the property's R-4 land use designation and the guidelines and policies for development within the R-4-PD zoning designation. The Applicant is requesting the following zoning exceptions and deviations from development standards:
- A deviation is requested to exceed the 35-foot height standard within the R-4-PD zone (17.22.020);
  - An exception to the setback requirements of the R-4-PD zone (Section 17.70.170 D.1.B) including an exception to allow a reduction in the side yard setback along Palomar Avenue to facilitate an additional building setback from the top of the bank of the creek, an exception to allow parking within the required side yard setback adjacent to Palomar Avenue and the small section of Building B parking along Palomar Avenue front yard setback, and an exception to allow the trash/recycling enclosure for Building B to be located within the side yard adjacent to Palomar Avenue, in accordance with Section 17.70.170 D.1.B, to facilitate increased setback from the creek;
  - An exception to allow a section of replacement parking to incorporate impervious paving at the southwestern corner of Building A (Section 17.70.030 G.1);
  - An exception to allow a section of replacement parking incorporating impervious paving within the 20-foot creek-side setback on the east side of Building B (Section 17.70.030 G.1); and
  - An exception to allow encroachment into the additional 10-foot creek-side setback at the upper stories (Section 17.70.030 E.3).

The project is located within a PD Overlay, which provides for deviations from development standards of Municipal Code Title 17 where determined necessary and justifiable to accommodate the development of the project (17.48.030.D). The exceptions and deviations requested by the Applicant do not include any exceptions to policies or regulations adopted for the purpose of avoiding or mitigating environmental effects. Rather, the policies and requirements where exceptions are being requested are related to development requirements that the City has in place to ensure that neighboring developments are compatible with one another and serve community preferences, versus protection of significant environmental resources.

The COSE includes various goals and policies to maintain, enhance, and protect natural communities within the City's planning area. These policies include, but are not limited to, protection of listed species and SSC, preservation of existing wildlife corridors, protection of significant trees, and maintaining development setbacks from creeks. The project site has been previously disturbed and does not support highly sensitive environmental resources. Old Garden Creek would be protected during project construction and operations by a 25- to 28-foot setback. Further, implementation of Mitigation Measures BIO-1 through BIO-7 would ensure indirect effects to Old Garden Creek, special-status species, nesting migratory birds, and roosting bats resulting from construction activities would be avoided and/or minimized and the project would not result in a conflict with local policies or ordinances protecting biological resources and impacts. Therefore, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects and impacts would be *less than significant with mitigation*.

### **Mitigation Measures**

Implement Mitigation Measures BIO-1 through BIO-7.

### **Conclusion**

The proposed project would not physically divide an established community and would be consistent with surrounding land uses. The proposed 25- to 28-foot setback from Old Garden Creek within the project site and implementation of Mitigation Measures BIO-1 through BIO-7 would ensure potential impacts to biological resources would not result in a conflict with local policies or ordinances protecting biological resources and potential impacts would be less than significant.

## 12. MINERAL RESOURCES

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Evaluation**

Based on the City’s COSE, mineral extraction is prohibited within city limits.

a,b) No known mineral resources are present within the project site and future extraction of mineral resources is very unlikely due to the urbanized nature of the area. Therefore, *no impacts* would occur.

**Mitigation Measures**

Mitigation measures are not required.

**Conclusion**

No impacts to mineral resources were identified; therefore, mitigation measures are not required.

## 13. NOISE

Would the project result in:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	5, 37, 38, 39, 58, 61	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	38, 39, 40	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	31	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Evaluation**

The *City of San Luis Obispo General Plan Noise Element* establishes standards for maximum acceptable noise levels associated with stationary and transportation sources. Noise created by new transportation noise sources are required to be mitigated to not exceed the maximum acceptable noise levels identified in Table 7.

Outdoor activity areas are not defined in the City’s Noise Element but are defined in the *City of San Luis Obispo, Noise Guidebook, Measurement & Mitigation Techniques*. The guidebook states that outdoor activity areas are “patios, decks,

balconies, outdoor eating areas, swimming pool areas, yards of dwellings, and other areas commonly used for outdoor activities and recreation.”

The City’s Noise Element also identifies Policy 1.4 regarding noise created by new transportation sources, including road, railroad, and airport expansion projects, which states noise from these sources shall be mitigated to not exceed the levels specified in Table 7 for outdoor activity areas and indoor spaces of noise-sensitive land uses.

**Table 7. Maximum Noise Exposure for Noise-Sensitive Uses due to Transportation Noise Sources**

Noise-Sensitive Use	Outdoor Activity Areas <sup>1</sup>	Indoor Spaces		
	Ldn or CNEL, in dB	Ldn or CNEL, in dB	Leq in db <sup>2</sup>	Lmax in dB <sup>3</sup>
Residences, hotels, motels, hospitals, nursing homes	60	45	--	60
Theaters, auditoriums, music halls	--	--	35	60
Churches, meeting halls, office building, mortuaries	60	--	45	--
Schools, libraries, museums	--	--	45	60
Neighborhood parks	65	--	--	--
Playgrounds	70	--	--	--

Notes: CNEL = Community Noise Equivalent Level; Ldn = day-night average sound level; Leq = equivalent continuous sound level; Lmax = maximum sound level.

<sup>1</sup> If the location of outdoor activity areas is not shown, the outdoor noise standard shall apply at the property line of the receiving land use.

<sup>2</sup> As determined for a typical worst-case hour during periods of use.

<sup>3</sup> Lmax indoor standard applies only to railroad noise at locations south of Orcutt Road.

The existing noise environment in the project area is dominated by roadway traffic along Ramona Drive and Palomar Avenue. Nursing homes are considered a noise-sensitive land use by the City’s Noise Element. Per City Municipal Code Chapter 9.12 Noise Control, operating tools or equipment used in construction between weekday hours of 7:00 p.m. and 7:00 a.m. or any time on Sundays or holidays is prohibited, except for emergency works of public service utilities or by exception issued by the Community Development Department. The Municipal Code also states that construction activities shall be conducted in such a manner, where technically and economically feasible, that the maximum noise levels at affected properties will not exceed 85 A-weighted decibels (dBA) at mixed residential/commercial uses. Based on the City Municipal Code (9.12.050.B.7), operating any device that creates vibration that is above the vibration perception threshold of an individual at or beyond 150 feet from the source if on a public space or right-of-way is prohibited.

- a) During project construction, noise from construction activities may intermittently dominate the noise environment in the immediate area. The project would require the use of typical construction equipment (dozers, excavators, etc.) for land preparation and development of the two new buildings. Typical noise levels produced by equipment commonly used in construction projects are shown in Table 8.

**Table 8. Construction Equipment Noise Emission Levels**

Equipment Type	Typical Noise Level (dBA) 50 ft From Source
Concrete Mixer, Dozer, Excavator, Jackhammer, Man Lift, Paver, Scraper	85
Heavy Truck	84

Crane, Mobile	83
Concrete Pump	82
Backhoe, Compactor	80

Source: Federal Highway Administration (FHWA) 2017

As shown above, construction equipment that would be utilized during project construction would not exceed 85 dBA and would be similar to other construction activity within the city. Construction-related noise would be intermittent and temporary in nature. However, the project would be located within a residential area with sensitive receptor locations located in all directions. The nearest off-site sensitive receptor location is an apartment complex located 50 feet west. Based on the proximity of the sensitive receptors at and around the project site, Mitigation Measures N-1 through N-4 have been included to require construction noise BMPs during all construction activities and for approved construction hours, truck routes, and all construction noise BMPs to be included on all project plans.

The project does not include components that would significantly add to long-term ambient noise in the project vicinity. Upon completion of construction activities, the project would include the use of heating, ventilation, and air conditioning (HVAC) systems that would have the potential to contribute additional noise to the existing noise environment, as well as mobile noise from project-related traffic. The additional noise generated by the project’s HVAC systems would not result in a noticeable increase in ambient noise levels based on the density of surrounding development. Relative to vehicular noise, a doubling of traffic is typically needed to produce a noise increase that is audible to the human ear. Currently, there are 3,609 vehicle trips on Broad Street and 4,107 vehicle trips on Ramona Drive. The project would not result in the doubling of vehicle trips; therefore, no substantial increase in mobile source noise would occur. For these reasons, potential impacts associated with generation of a substantial temporary or permanent increase in ambient noise levels would be *less than significant with mitigation*.

- b) The project does not propose pile-driving or other high-impact activities that would generate substantial noise or groundborne vibration during construction. Use of heavy equipment would generate groundborne noise and vibration; however, noise would be temporary and intermittent and there are no buildings that surround the project site (i.e., historical buildings and occupants of surrounding buildings) that would be substantially affected by this groundborne vibration. Further, construction activity would be required to occur between 7:00 a.m. and 7:00 p.m., which is consistent with the City’s Municipal Code. Based on the proposed construction activities, groundborne vibration is expected to be imperceptible at adjacent properties. Therefore, potential impacts would be *less than significant*.
- c) The project site is not located within 2 miles of an airport or within a designated Safety Zone established by the ALUP. Therefore, the project would not result in excessive airport-related noise for project occupants and *no impacts* would occur.

**Mitigation Measures**

- N-1** For the entire duration of the construction phase of the project, the following Best Management Practices (BMPs) shall be adhered to:
1. Stationary construction equipment that generates noise that exceeds 60 A-weighted decibels (dBA) at the project boundaries shall be shielded with the most modern noise control devices (i.e., mufflers, lagging, and/or motor enclosures).
  2. Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
  3. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used.
  4. All construction equipment shall have the manufacturers’ recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
  5. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).

- N-2** Construction plans shall note construction hours, truck routes, and all construction noise BMPs, and shall be reviewed and approved by the City Community Development Department prior to issuance of grading/building permits. The City shall provide and post signs stating these restrictions at construction entry sites prior to commencement of construction and maintained throughout the construction phase of the project. All construction workers shall be briefed at a preconstruction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented.
- N-3** For all construction activity at the project site, additional noise attenuation techniques shall be employed as needed to ensure that noise levels are maintained within levels allowed by the City of San Luis Obispo Municipal Code, Title 9, Chapter 9.12 (Noise Control). Such techniques shall include, but are not limited to:
- Sound blankets shall be used on noise-generating equipment;
  - Stationary construction equipment that generates noise levels above 65 dBA at the project boundaries shall be shielded with a barrier that meets a sound transmission class (a rating of how well noise barriers attenuate sound) of 25;
  - All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers;
  - The movement of construction-related vehicles, with the exception of passenger vehicles, along roadways adjacent to sensitive receptors shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No movement of heavy equipment shall occur on Sundays or official holidays (e.g., Thanksgiving, Labor Day); and
  - Temporary sound barriers shall be constructed between construction sites and affected uses.
- N-4** The project contractor shall inform residents and business operators at properties within 300 feet of the project of proposed construction timelines and noise compliant procedures to minimize potential annoyance related to construction noise. Signs shall be in place prior to and throughout grading and construction activities informing the public that noise-related complaints shall be directed to the construction manager prior to the City’s Community Development Department.

**Conclusion**

The project would not exceed City Municipal Code construction and operational noise standards for residential development. However, the project would be near sensitive receptor locations. Therefore, Mitigation Measures N-1 through N-4 are included to reduce potential impacts. The project would not expose project occupants to excessive airport noise. Therefore, impacts related to noise would be *less than significant with mitigation*.

**14. POPULATION AND HOUSING**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	41, 42	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Evaluation**

According to the City’s *General Plan 2020 Annual Report*, the average growth rate between 2015 and 2019 was 0.47%. In 2020 the City’s residential growth rate grew to 1.21%. The growth was likely caused by City-issued permits for 210 new units within

specific plan areas (of the 261 total units subject to growth management limitations). Despite the growth in 2020, the City has maintained a 6-year average annual residential growth rate of 0.6% per year, in compliance with the 1% maximum average annual residential growth rate (City LUE Policy 1.11.2). San Luis Obispo contains the largest concentration of jobs in the county. During workdays, the city’s population increases to an estimated 70,000 persons.

The *City of San Luis Obispo General Plan Housing Element* identifies various goals, policies, and programs based on an assessment of the City’s housing needs, opportunities, and constraints. The City’s overarching goals for housing include safety, affordability, conserving existing housing, accommodating for mixed-income neighborhoods, providing housing variety and tenure, planning for new housing, maintaining neighborhood quality, providing special needs housing, encouraging sustainable housing and neighborhood design, maximizing affordable housing opportunities for those who live or work in the City, and developing housing on suitable sites.

- a) The proposed project would result in 59 new residential units and approximately 64 new residents (assumption based on 54 studio and one-bedroom units and five two-bedroom units) and 16 additional employees, which would be consistent with the density allowed by the project site’s R-4 land use designation. Thus, any indirect population growth resulting from an increase in residents of the assisted living facility would be consistent with the City’s General Plan. The project would be consistent with the projected population growth for the city. Short-term construction activities would likely source from the local labor pool and is not anticipated to induce population growth through the creation of new jobs. The project would not result in substantial unplanned population growth; therefore, potential impacts would be *less than significant*.
- b) The portion of the project site that is proposed for development does not include any habitable structures. Therefore, the project would not result in the displacement of any existing or proposed housing; therefore, *no impacts* would occur.

**Mitigation Measures**

Mitigation measures are not required.

**Conclusion**

The project would be consistent with the City’s projected population growth. No potentially significant impacts would occur, and mitigation measures are not required.

**15. PUBLIC SERVICES**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	1, 56	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	1,57	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	1, 43	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	1, 43, 44	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	1, 43	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **Evaluation**

The project site is located within the existing service area of the City of San Luis Obispo Fire Department (SLOFD). The SLOFD deploys resources and personnel from four fire stations to maintain the response time goal of 4 minutes travel time to 95% of all emergencies. The nearest SLOFD fire station to the project site is City Fire Station 2, located at 136 North Chorro Street, approximately 0.2 mile (1,030 feet) northeast of the project site. City Fire Station 2 provides primary response to the northern portion of the city and has an average response time of 4 minutes 3 seconds. The SLOFD consists of 12 fire captains, 15 fire engineers, 13 firefighters, 25 paramedics, and 19 emergency medical technicians (EMTs). In 2020 the SLOFD responded to 5,499 incidents, which is nearly 11% lower than 2019.

The City of San Luis Obispo Police Department (SLOPD) provides public safety services for the city. The SLOPD has approximately 91 employees, 60 of which are sworn police officers. The SLOPD operates out of one main police station, located at 1042 Walnut Street at the intersection of Santa Rosa (Highway 1) and US 101, and emergency response times to the site would be less than 5 minutes.

The project site is located within the San Luis Coastal Unified School District (SLCUSD), and public parks and recreation trails within the city are managed and maintained by the City's Parks and Recreation Department.

All new residential and non-residential development within the city is subject to payment of Development Impact Fees, which are administered by and paid through the City's Community Development Department. Development Impact Fees provide funding for maintaining City emergency services, infrastructure, and facilities. For example, fire protection impact fees provide funding for projects such as the renovation of the City's fire stations and the replacement of fire service vehicles and equipment.

a) **Fire protection:** The project would be served by the SLOFD; the closest station is Fire Station 2, located at 126 North Chorro Street, approximately 0.2 mile northeast of the project site with an emergency response time of less than 5 minutes. The project includes an expansion of the existing Village at the Palms assisted living facility. The project would be consistent with the general level of development within the high-density residential zone and would be consistent with anticipated population growth within the city. Implementation of the project would not require the expansion or construction of new fire protection facilities. Because the proposed project would not require the expansion or construction of new fire protection facilities, environmental impacts associated with the provision of fire protection services would be *less than significant*.

**Police protection:** The project would be served by the SLOPD. The project would be consistent with the general level of development within the high-density residential zone and would be consistent with anticipated population growth within the city. Implementation of the project would result in a marginal increase in demand on police protection services due to the construction of new occupiable buildings, but this new demand is within the anticipated population growth of the city and would not result in the need for new or expanded police facilities. Because the proposed project would not require the expansion or construction of new police protection facilities, environmental impacts associated with the provision of police services would be *less than significant*.

**Schools:** The project would result in the development of an expanded assisted living facility and would not result in an increased number of school-aged children within the city. For this reason, the project would result in *less than significant impacts* to school facilities.

**Parks:** The proposed expansion of the existing Village at the Palms assisted living facility is not anticipated to result in a significant increase in demand on local parks and recreational facilities in the area. The assisted living facility would include internal recreation opportunities for residents of the facility. The project is consistent with the City's General Plan designation and zoning designation; therefore, any indirect population growth resulting from the project would be consistent with the projected population growth for the city. Therefore, potential project impacts on parks would be *less than significant*.

**Other public facilities:** The project would not induce unplanned population growth and would result in a negligible effect on use of other public facilities, such as roadways and public libraries. Therefore, potential project impacts on public facilities would be *less than significant*.

**Mitigation Measures**

Mitigation measures are not required.

**Conclusion**

The project would not induce unplanned population growth because employees are likely to come from the local workforce. Operation of the project may result in a marginal cumulative increase in demand on City services and facilities, including fire protection, police protection, parks and recreational facilities, and other public facilities; however, construction of new facilities is not anticipated to be required. The project would not result in significant impacts to public services; therefore, mitigation measures are not required.

**16. RECREATION**

	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	1, 43, 44	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	1, 43, 44	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Evaluation**

Existing City recreational facilities consist of 28 parks and recreational facilities, in addition to 10 designated natural resources and open space areas and two bike trails. The *City of San Luis Obispo Parks and Recreation Element* identifies goals, policies, and programs to help plan, develop, and maintain community parks and recreation facilities. The City’s statement of overall department goals is for the City’s parks and recreation facilities and programs to enable all citizens to participate in fun, healthful, or enriching activities, which enhance the quality of life in the community.

As demand for recreation facilities and activities grow and change, the City intends to focus its efforts in the following areas: continuing development of athletic fields and support facilities, providing parks in underserved neighborhoods, providing a multi-use community center and therapy pool, expanding paths and trails for recreational use, linking recreation facilities, and meeting the special needs of disabled persons, at-risk youth, and senior citizens. City Parks and Recreation Element Policy 3.13.1 establishes the City’s goal to develop and maintain a park system at the rate of 10 acres of parkland per 1,000 residents, 5 acres of which shall be dedicated as neighborhood parks.

a,b) As previously described, the proposed project would result in 59 new residential units and approximately 64 new residents (assumption based on 54 studio and one-bedroom units and 5 two-bedroom units) and 16 additional employees, which would be consistent with the density allowed by the project site’s R-4 land use designation. Based on the type of proposed development, the proposed expansion of the existing Village at the Palms assisted living facility is not anticipated to result in a significant increase in demand on local parks and recreational facilities in the area. The assisted living facility would include internal recreation opportunities for residents of the facility. Employees for construction and operation of the project are anticipated to come from the local workforce and would not result in an increase in residents of the city. As the project is consistent with the City’s General Plan designation and underlying zoning, any indirect population growth resulting from the project would be consistent with the projected population growth for the City. Therefore, potential project impacts associated with accelerated deterioration of existing facilities or construction of new park facilities would be *less than significant*.



**Mitigation Measures**

Mitigation measures are not required.

**Conclusion**

The project would not induce unplanned population growth because employees are likely to come from the local workforce. Operation of the project may result in a marginal cumulative increase in demand on City recreational facilities; however, construction of new facilities is not anticipated to be required. The project would not result in significant impacts to recreational facilities; therefore, mitigation measures are not required.

**17. TRANSPORTATION**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	13, 46, 58	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	1, 12, 45, 55	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1, 23, 44	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	1, 23, 45	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Evaluation**

The *City of San Luis Obispo General Plan Circulation Element* identifies current traffic levels and delays of public roadways and identifies transportation goals and policies to guide development and express the community’s preferences for current and future conditions. Goals included in the plan include, but are not limited to, maintaining accessibility and protecting the environment throughout San Luis Obispo while reducing dependence on single-occupant use of motor vehicles; reducing use of cars by supporting and promoting alternatives, such as walking, riding buses and bicycles, and carpooling; promoting the safe operation of all modes of transportation; and widening and extending streets only when there is a demonstrated need and when the projects would cause no significant, long-term environmental problems.

Level of Service (LOS) is a term used to describe the operating conditions of an intersection or roadway based on factors such as speed, travel time, queuing time, and safety. LOS designations range between A and F, with A representing the best operating conditions and F the worst. The City’s Circulation Element establishes the minimum acceptable LOS standard for vehicles in the downtown area of the city as LOS E and LOS D for all other areas, and states any degradation of the LOS below these standards shall be interpreted as transportation operations deficiency under local policy thresholds. While LOS deficiencies are evaluated for local policy conformity, LOS or other measures of automobile congestion/delay are not applied when evaluating transportation impacts under CEQA.

The *City of San Luis Obispo Active Transportation Plan (ATP)* outlines goals and policies to promote walking, biking, and other forms of active transportation throughout the city. The ATP provides a blueprint for creating a safe, connected, and efficient citywide active transportation network. It lays out policies, funding strategies, supporting programs, infrastructure projects, and implementation priorities to improve active transportation options and access for all community members.

In 2013 SB 743 was signed into law with the intent to “more appropriately balance the needs of congestion management with Statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions” and required the California Governor’s Office of Planning and Research (OPR) to identify new

metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3[b]). In June 2020, the City formally adopted the transition from LOS to VMT for the purposes of CEQA evaluation and also establish local VMT thresholds of significance.

The project site would be accessed by Palomar Avenue, Ramona Drive, and Broad Street. Palomar Avenue is a local residential street, Ramona Drive is a neighborhood collector street, and Broad Street is located along the project's frontage and is a two-lane collector. At the project site, the City's Circulation Element designates Broad Street as LOS C. LOS C streets are characterized as good LOS with less distance between traffic and sidewalk and high volumes of traffic in the lane closest to the sidewalk. Based on the City's Traffic County & Speed Surveys Map, the average daily motor vehicle trip volume (ADT) on Ramona Drive is 4,107. Average daily pedestrian volume is 129 trips, and average daily bicycle volume is 264 trips. On Broad Street located along the project's frontage, ADT volume is 3,609, average daily pedestrian volume is 190 trips, and average daily bicycle volume is 174 trips. There are bicycle lanes and on-street parking along Ramona Drive, Palomar Avenue, and Broad Street, and a bus stop is located along Ramona Drive, adjacent to the project site.

- a) The project proposes expansion of the Village at the Palms assisted living facility within a developed, residential portion of the city. The project site would be accessed by new driveway entrances off Ramona Drive and Palomar Avenue and an existing driveway off Broad Street. As described above, the ADT volume for vehicles on Ramona Drive is 4,107 and the ADT volume for vehicles on Palomar Avenue is 3,609. Implementation of the project would result in approximately 148 ADT along adjacent and other roadways in the city. The project would require the payment of the City's standard Traffic Impact Fees (TIFs) for maintenance of roads and other transportation infrastructure. Payment of TIFs would offset the project's incremental impacts related to a slight increase in ADT. The project site is located along Ramona Drive, which has bicycle lanes and a transit stop, and the project would provide bicycle parking on-site, which may facilitate the use of bicycling as a means of transportation for employees or guests. These features would be consistent with the City's ATP. Therefore, with the payment of standard TIFs, project impacts associated with conflicts with any program, plan, ordinance, or policy addressing transportation facilities would be *less than significant*.
- b) The 2018 OPR SB 743 Technical Advisory on Evaluating Transportation Impacts in CEQA states that absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with an SCS or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact. According to the ITE Trip Generation Manual, 10th Edition, a continuing care retirement community generates 2.5 ADT per occupied unit. The project would create 59 new continuing care retirement units, estimated to generate 148 ADT. Although operation of the project would create more than 110 trips per day, based on the City's Residential VMT Screening Map, the project is located in an area of the city that would result in average VMT less than or equal to 85% of the regional average, meaning a project in this area would result in VMT generation below the City's adopted thresholds. Therefore, the project is not anticipated to generate VMT at a rate that is inconsistent with adopted plans and impacts would be *less than significant*.
- c) The project proposes two new driveway entrances located off Palomar Avenue and Ramona Drive. The driveways would not contain dangerous curves, short sight distance, or other dangerous design features. The driveways would be designed in accordance with City Public Works safety design standards, including the use of red "no parking" curb paint on either side of the driveway entrance to allow for safe turning movements and provide motorists an adequate line of sight from the driveway. The project will be reviewed by the City's Transportation and Engineering Divisions prior to approval of any building permits. Therefore, project impacts associated with increased hazards due to a geometric design feature would be *less than significant*.
- d) During construction, the project may result in temporary traffic controls along Ramona Drive and Palomar Avenue; however, full road closures would not be required during construction activities. Emergency access would be maintained to the project site and surrounding areas during construction activities. Operational components of the project have been designed to comply with the State and City Fire Codes and would be subject to review by the City Fire Marshal to ensure adequate emergency access has been provided. Therefore, potential impacts related to inadequate emergency access would be *less than significant*.

**Mitigation Measures**

Mitigation measures are not required.

**Conclusion**

The project would result in a net increase in trips and VMT and would exceed the City’s established thresholds for VMT; however, the project is in an area of the city that would result in average VMT less than or equal to 85% of the regional average, meaning a project in this area would result in VMT generation below the City’s adopted thresholds. The project would be required to meet City Public Works safety design standards and would maintain adequate emergency access. Therefore, potential impacts associated with transportation would be *less than significant*.

**18. TRIBAL CULTURAL RESOURCES**

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	2, 54	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	2, 54	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Evaluation**

Approved in 2014, AB 52 added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

- 1) Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources (CRHR); or
  - b. Included in a local register of historical resources as defined in PRC Section 5020.1(k).
- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Recognizing that tribes have expertise regarding their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts on tribal cultural resources because of a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project’s impacts on the tribal cultural resources, and available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

Native American Tribes were notified about the project consistent with State and City regulations under AB 52 on August 6, 2021.

a,b) As described above, consultation with Native American Tribes under AB 52 was initiated on August 6, 2021. As of September 28, 2021, two responses have been received. The first comment is from the yak tiʻu tiʻu yak tilhini Northern Chumash Tribe of San Luis Obispo County and Region regarding clarification of work along the creek has been received. The second response was from the Santa Ynez Band of Chumash Indians. As described in Section 5, *Cultural Resources*, desktop-level and surface and subsurface testing of the project area did not uncover any known or unknown cultural or tribal resources that have been listed or been found eligible for listing in the CRHR or in a local register of historical resources as defined in PRC Section 5020.1. No significant cultural resources are known to occur within the project site. Mitigation measures CR-1 through CR-3 are provided to address inadvertent discovery during project construction. With these measures, impacts related to a substantial adverse change in the significance of tribal cultural resource would be *less than significant with mitigation*.

**Mitigation Measures**

Implement Mitigation Measures CR-1 through CR-3.

**Conclusion**

With implementation of Mitigation Measures CR-1 through CR-3, the project would have a less-than-significant impact on tribal cultural resources.

**19. UTILITIES AND SERVICE SYSTEMS**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	49, 50	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	46, 48,60	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	47	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	1	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Evaluation**

The City’s Utilities Department is the sole water provider within the city, provides potable and recycled water to the community, and is responsible for water supply, treatment, distribution, and resource planning. The City’s Water Resource Recovery Facility (WRRF) treats all the wastewater from the city, Cal Poly, and the airport. The facility treats 4.5 million gallons of wastewater per day. The WRRF manages and treats wastewater in accordance with standards established by the SWRCB to remove solids,

reduce the amount of nutrients, and eliminate bacteria in treated wastewater. A portion of the treated water is recycled for irrigation use within the city and the remaining flow is discharged to San Luis Obispo Creek.

Water service for the project would be provided by the City’s Utilities Department and the project would be served by the City’s sewer system. The project site has existing utility infrastructure on-site, including a storm drain easement, sewer easements, a water pipeline, an electrical line, and a gas line.

- a) The project includes additional water, wastewater, stormwater, and energy infrastructure that would connect to City infrastructure. Proposed infrastructure would be located within the proposed parking lots along Buildings 1 and 2. These components have been evaluated for their potential to result in adverse environmental effects throughout this document. Mitigation Measures AQ-1 through AQ-4, BIO-1 through BIO-7, CR-1 through CR-3, HAZ-1, and N-1 through N-4 would reduce potentially significant environmental impacts resulting from expansion and establishment of new utility connections associated with air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, and tribal cultural resources to a less-than-significant level. Therefore, potential environmental impacts associated with construction of utility connections would be *less than significant with mitigation*.
- b) The project would be provided water through the City’s water system, which has four primary water sources—Whale Rock Reservoir, Salinas Reservoir, Nacimiento Reservoir, and recycled water (for irrigation)—with groundwater serving as a fifth supplemental source. The City’s diversification of water sources in the last several decades has allowed the City to maintain sufficient water supplies even following the driest years on record. The total water available for the City in the 2020 water year (October 1, 2019, to September 30, 2020) was 10,107 AFY, which included 215 AFY of recycled water. As this availability was adjusted following years of drought and updates to the City’s safe annual yield model, the availability is considered a reasonable long-term safe yield value for the purposes of this analysis. The City’s water demand for 2020 was 4,730 AF. The project’s estimated water demand is 6 AFY, which would be provided by the City’s water supply. The City has adequate water supply to provide 6 AFY to the proposed project. Therefore, potential impacts related to water supply would be *less than significant*.
- c) The project would connect to the City’s wastewater system. Expanded wastewater infrastructure would be located within the proposed parking lots on-site. The project would generate approximately 2 million gallons of wastewater annually and would be served by the City’s sewer system. The City’s WRRF treats 4.5 million gallons of wastewater daily (City of San Luis Obispo 2021). The project would result in an incremental increase in demand on the City’s WRRF and wastewater conveyance infrastructure, which would be capable of serving the proposed project. The project is consistent with the general level of growth anticipated in the City’s General Plan and would be required to pay standard development impact fees to offset the project’s incremental contribution to demand on the City’s WRRF. Therefore, impacts associated with the wastewater treatment provider’s capacity to serve the project’s wastewater needs would be *less than significant*.
- d) Based on the California Department of Resources Recycling and Recovery (CalRecycle), the project would result in the generation of approximately 320 pounds of solid waste per day (Table 9).

**Table 9. Estimated Project Solid Waste Generation**

Use	Generation Rate	Project	Pounds Solid Waste Per Day
Nursing/Retirement Home	5 pounds/person/day	64 persons <sup>1</sup>	320
<b>Total</b>			<b>320</b>

<sup>1</sup> Assumed 64 persons based on 54 studio and one-bedroom units and five two-bedroom units.

Project construction and operational solid waste materials would likely be disposed of at the Cold Canyon Landfill. Cold Canyon Landfill has a total capacity of 23,900,000 cy and has the capacity to service 1,650 cy per day. Based on these capacities, the Cold Canyon Landfill is expected to remain operational through at least 2040 and would be capable of servicing the additional 320 pounds of solid waste per day generated by the project. Therefore, potential impacts related to solid waste reduction goals and capacity would be *less than significant*.

- e) The project would be required to comply with goals, policies, and programs of the City’s COSE (Section 5) and the general requirements of the City’s Development Standards for Solid Waste Services. Based on the general requirements of the City’s Development Standards for Solid Waste Services, the project would be required to include a minimum of two enclosed solid waste bins constructed in accordance with City standards and to be provided solid waste services by the City, which would be picked up once a week. According to the City’s COSE, the project would be required to participate in waste-reduction and recycling efforts. Therefore, based on required compliance with the City’s COSE and solid waste requirements, the project would comply with regulations related to solid waste and potential impacts would be *less than significant*.

**Mitigation Measures**

Implement Mitigation Measures AQ-1 through AQ-4, BIO-1 through BIO-7, CR-1 through CR-3, HAZ-1, and N-1 through N-4.

**Conclusion**

With implementation of the identified mitigation measures, the project’s potential impacts associated with utilities and service systems would be less than significant.

**20. WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	1, 23	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	1, 23, 51	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	1, 23	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	1, 23	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Evaluation**

Urban fire hazards result from the materials, size, and spacing of buildings, and from the materials, equipment, and activities they contain. Additional factors include access, available water volume and pressure, and response time for fire fighters. Based on the City Local Hazard Mitigation Plan, the risk of wildland fires is greatest near the City limits where development meets rural areas of combustible vegetation. Most of the community is within 1 mile of a designated High or Very High Fire Hazard Severity Zone (FHSZ), which indicates significant risk to wildland fire.

The City’s Safety Element identifies four policies to address the potential hazards associated with wildfire, including approving development only when adequate fire suppression services and facilities are available, classification of wildland fire hazard severity zones as prescribed by the California Department of Forestry and Fire Protection (CAL FIRE), prohibition of new subdivisions located within “Very High” wildland fire hazard severity zones, and continuation of enhancement of fire safety and construction codes for buildings.

According to the CAL FIRE FHSZ viewer, the project site is located within a Local Responsibility Area (LRA). Based on the City's Safety Element Maps, the project site is located within a developed portion of the city and has a low risk of wildfire.

- a) Implementation of the project would not result in a significant temporary or permanent impact to any adopted emergency response plans or emergency evacuation plans. The project may require temporary traffic controls along adjacent roadways to the project area (Ramona Drive and Palomar Avenue); however, full road closures are not necessary and emergency access and public ingress and egress would be maintained during implementation of the project. Breaks in utility service may be necessary during connection to the City's infrastructure. Any breaks in utility service would be temporary and would not conflict with any emergency plans. Access roads and interior roads would be constructed to allow fire and other emergency vehicles adequate access during project operation. Therefore, the project would maintain adequate public and emergency access during project activities and would not conflict with emergency plans; therefore, impacts would be *less than significant*.
- b) The project area is located in a developed area of the city. The project site is located on the western portion of a previously developed parcel and consists of a surface parking lot, landscaping, and a creek with associated riparian vegetation. The project would not substantially change the existing topography of the project site. The project would result in the conversion of the existing surface parking lot into a fully developed site comprised of two new buildings associated with an existing assisted living facility. The proposed project would be required to meet all applicable standards for fire prevention pursuant to the CBC and California Fire Code. For instance, the project would include the installation of a new fire hydrant and fire department connection as well as additional an additional water line. A fire sprinkler system would also be installed within the building. Therefore, the project would not exacerbate wildfire risks or expose project occupants to substantial pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Potential impacts would be *less than significant*.
- c) The project includes the installation of expanded water, wastewater, stormwater, and energy extensions to be connected to existing City infrastructure. These proposed infrastructure components would occur within an urbanized area and would be required to be installed in full compliance with applicable CBC and California Fire Code regulations. Construction of this infrastructure has been evaluated throughout this environmental document and would not exacerbate fire risks. Therefore, potential impacts associated with exacerbation of fire risk or environmental impacts from installation of new infrastructure would be *less than significant*.
- d) The project site is generally flat and is not located near slopes or other areas subject to downstream flooding or landslides. Based on required compliance with CBC standards for structural and other design components, the project would not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant*.

### **Mitigation Measures**

Mitigation measures are not required.

### **Conclusion**

The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant and mitigation measures are not required.

## 21. MANDATORY FINDINGS OF SIGNIFICANCE

	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	1, 2, 15, 16, 18, 25	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>The project would be in a previously developed portion of the city of San Luis Obispo and the project vicinity generally contains low habitat value for protected plant and animal species. The project site currently consists of a surface parking lot, non-native ornamental landscaping, and Old Garden Creek and an associated riparian forest habitat. Old Garden Creek flows through the central portion of the project site and would be avoided and protected by a 25- to 28-foot setback during project construction and operation. There is potential for special-status plant and animal species to occur on-site, and mitigation measures have been incorporated to avoid and minimize potential impacts to these resources. Mitigation Measures BIO-1 through BIO-7 have been identified to avoid potential impacts to riparian habitat, Old Garden Creek, special-status plant and animal species, nesting and/or migratory birds, and roosting bats.</p> <p>There are no known historic or prehistoric resources within the project site and Mitigation Measures CR-1 through CR-3 would reduce potential inadvertent discovery of these resources to less than significant. With implementation of identified mitigation measures and standard requirements, the project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Potential impacts would be <i>less than significant with mitigation</i>.</p>					
	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>The project includes the expansion of the Village at the Palms assisted living facility located within the R-4-PD zone. The project would be consistent with growth assumed in the R-4 zone, and with approval of the Minor Use Permit, the project would be consistent with the design standards of the R-4-PD zone. When project impacts are considered in combination with other reasonably foreseeable impacts, the project’s potential cumulative impacts may be significant. Mitigation measures have been identified to reduce project-related impacts to a less-than-significant level. With the implementation of identified project-specific mitigation measures and payment of the City’s standard Development Impact Fees, the individual effects of the project would be marginal and cumulative effects of the project would not be cumulatively considerable. Therefore, potential impacts would be <i>less than significant with mitigation</i>.</p>					



	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>The project has the potential to result in significant impacts associated with air quality that, if left unmitigated, could result in substantial adverse effects on human beings. Standard mitigation measures have been identified to reduce these potential impacts to less than significant, including, but not limited to, standard idling restrictions, dust control measures, implementation of BMPs, and compliance with the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations to avoid impacts related to NOA. Additionally, standard noise BMPs have been included as mitigation to reduce short-term construction-related noise impacts on surrounding sensitive receptor locations. With incorporation of identified project-specific mitigation and the payment of the City’s standard Development Impact Fees, potential environmental effects of the project would not directly or indirectly result in any substantial adverse effects on human beings. Therefore, potential impacts would be <i>less than significant with mitigation</i>.</p>					

## 22. EARLIER ANALYSES

<p>Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (c) (3) (D). In this case a discussion should identify the following items:</p>
<p>a) <b>Earlier analysis used.</b> Identify earlier analyses and state where they are available for review.</p>
<p>The potential environmental effects of developing the project site with uses consistent with the R-4-PD zoning designation were previously evaluated in the Certified General Plan Program Environmental Impact Report (EIR) (State Clearinghouse [SCH] #2013121019), which was certified by the City Council in 2014. The Certified EIR is available on the City’s website at: &lt; <a href="https://www.slocity.org/government/department-directory/community-development/planning-zoning/general-plan">https://www.slocity.org/government/department-directory/community-development/planning-zoning/general-plan</a>&gt;</p>
<p>b) <b>Impacts adequately addressed.</b> Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.</p>
<p>This IS/MND does not rely on a previously certified EIR or MND for its analysis. All the environmental analyses contained herein are independent of previous CEQA documents; no tiering from a previous CEQA document is used.</p>
<p>c) <b>Mitigation measures.</b> For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.</p>
<p>As discussed above, project-specific mitigation measures have been developed for the project to address a more stringent regulatory environment and more complex analysis methodology. All project-specific mitigation measures recommended in this IS/MND are consistent with and build upon the programmatic mitigation measures identified in the Certified EIR.</p>

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## **Attachments**

1. Hochhauser Blatter Architects (HBA), Village at the Palms 55 Broad Street San Luis Obispo, California Proposed Assisted Living Project Plans (January 2021)
2. Kevin Merk Associates, LLC. (KMA), Biological Resources Assessment for the Village at the Palms, San Luis Obispo, San Luis Obispo County, California (Assessor's Parcel Number 052-162-021) (March 2021)
3. Heritage Discoveries Inc., Phase 1 and Phase 2 Archaeological Evaluations of Property at 61 Broad Street, San Luis Obispo, California (March 1997)
4. CEQA GHG Emissions Analysis Compliance Checklist
5. California Emission Estimator Model (CalEEMod) Report, version 2020.4.0

## REQUIRED MITIGATION AND MONITORING PROGRAMS

### Air Quality

**AQ-1** During all construction activities and use of diesel vehicles, the Applicant shall implement the following idling control techniques:

1. **Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment**
  - a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors if feasible;
  - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
  - c. Use of alternative fueled equipment shall be used whenever possible; and
  - d. Signs that specify the no idling requirements shall be posted and enforced at the construction site.
2. **California Diesel Idling Regulations.** On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
  - a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
  - b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: [www.arb.ca.gov/msprog/truck-idling/2485.pdf](http://www.arb.ca.gov/msprog/truck-idling/2485.pdf).

**AQ-2** During all construction and ground-disturbing activities, the Applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where possible.
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District (SLOAPCD) limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour (mph) and cessation of grading activities during periods of winds over 25 mph. Reclaimed (non-potable) water is to be used in all construction and dust-control work.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed.
4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
5. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive, grass seed and watered until vegetation is established.
6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical binders, jute netting, or other methods approved in advance by the SLOAPCD.
7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
10. Install wheel washers where vehicles enter and exit unpaved roads onto streets or wash off trucks and equipment leaving the site. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.
11. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
12. All PM<sub>10</sub> mitigation measures required shall be shown on grading and building plans.
13. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any site preparation, grading, or earthwork.
14. All off-road construction equipment shall be Tier 3 or higher.

**AQ-3** Prior to initiation of site preparation/construction activities, the Applicant shall retain a registered geologist to conduct a geologic evaluation of the property including sampling and testing for naturally occurring asbestos in full compliance with California Air Resources Board (CARB) Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (CARB ATCM Section 93105) and SLOAPCD requirements. This geologic evaluation shall be submitted to the City Community Development Department upon completion. If the geologic evaluation determines that the project would not have the potential to disturb naturally occurring asbestos (NOA), the Applicant must file an Asbestos ATCM exemption request with the SLOAPCD.

**AQ-4** If NOA are determined to be present on-site, proposed earthwork and construction activities shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (CARB ATCM Section 93105) and requirements stipulated in the National Emission Standards for Hazardous Air Pollutants (NESHAP) (40 Code of Federal Regulations 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

1. Written notification, within at least 10 business days of activities commencing, to the SLOAPCD;
2. Preparation of an asbestos survey conducted by a Certified Asbestos Consultant; and
3. Implementation of applicable removal and disposal protocol and requirements for identified NOA.

**Monitoring Program:** Measures AQ-1 through AQ-4 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City during regular inspections, in coordination with the SLOAPCD, as necessary. The applicant shall submit the geologic evaluation detailed in measure AQ-3 to the City Community Development Department upon completion.

## Biological Resources

**BIO-1 Obscure Bumble Bee.** Prior to any site disturbance and/or construction activities associated with the proposed project, the Applicant shall retain a City-approved qualified biologist to conduct preconstruction survey(s) for obscure bumble bee within suitable habitat areas (e.g., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site and areas within 50 feet of the project site. At a minimum, the survey effort shall include visual search methods targeting colonies or individuals. Upon completion of the surveys, the biologist shall prepare a survey report summarizing the findings and submit it to the City Community Development Department.



If the survey(s) establish presence of obscure bumble bee within the areas of disturbance, the Applicant shall retain a City-approved biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the City Community Development Department in coordination with the California Department of Fish and Wildlife (CDFW). The Management Plan shall include avoidance measures to conduct project activities in such a manner that avoids physical disturbances to the colony/nest site, including a minimum 50-foot no disturbance buffer to avoid take and potentially significant impacts. Upon approval by the City Community Development Department and prior to and during construction, the Management Plan shall be implemented to ensure potentially significant impacts to the obscure bumble bee are avoided. Following approval, avoidance measures included in the Management Plan shall be implemented at appropriate times during construction activities.

**BIO-2 Northern California Legless Lizard.** Between 2 and 4 weeks prior to initiation of construction activities, a City-approved biologist shall conduct surveys for northern California legless lizards. The surveyor shall utilize hand search or cover board methods in areas of disturbance where northern California legless lizards are expected to be found (e.g., under shrubs, other vegetation, or debris within the ornamental and riparian habitats on-site). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys shall be completed immediately prior to and during grading activities. During grading activities, the City-approved biologist shall walk behind the grading equipment to capture legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on-site but outside of the work area. Following the survey and monitoring efforts, the City-approved biologist shall submit to the City a project completion report that documents the number of northern California legless lizards and other reptiles captured and relocated, and the number of legless lizards or other reptiles taken during grading activities. Observations of these species or other special-status species shall be documented on California Natural Diversity Database (CNDDDB) forms and submitted to the CDFW upon project completion.

**BIO-3 Tree Replacement.** In accordance with the City's Municipal Code for Tree Removal (12.24.090), trees that are removed with a minimum diameter at breast height (dbh) of 3 inches shall be replaced at a 1:1 ratio on-site. A compensatory tree planting program shall be developed and implemented and shall include areas within the creek setback area. Additional tree planting shall take place within the development as part of the landscaping effort to mitigate all tree removal on the site. The Applicant shall meet the final specifications of the City's municipal code for tree protection and replacement to receive permit approval.

**BIO-4 Migratory Birds.** If any ground disturbance will occur during the nesting bird season (February 1–September 15), prior to any ground-disturbing activity, a preconstruction nesting bird survey shall be conducted by a qualified biologist within 1 week prior to the start of activities. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be implemented for non-listed, passerine species and a 250-foot buffer will be implemented for raptor species. No construction activities will be permitted within established nesting bird buffers until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work shall be conducted until an appropriate buffer is determined in consultation with the City and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW.

**BIO-5 Roosting Bat Surveys.** Within 2 weeks prior to removal of any trees, a qualified biologist shall survey the proposed trees to be removed to identify if roosting bats are present. If bats are found to be roosting, tree removal will be postponed until such time that roosting bats are no longer present. If postponement is not feasible, a Bat Exclusion Plan shall be prepared by a qualified biologist and submitted to the CDFW and the City for review and approval prior to construction. At a minimum, the exclusion plan shall describe the proposed action, background on the surveys conducted to date, installation and removal of exclusion materials, and the reporting process.

**BIO-6 Worker Environmental Awareness Program.** As an additional protection measure to avoid impacts to the creek corridor, riparian habitat, nesting birds, and other wildlife, the project Applicant shall have a City-qualified biologist prepare a Worker Environmental Awareness Program that will be presented to all project personnel prior to the start of construction. This program shall detail measures to avoid impacts on biological resources and shall include a description of special-status species potentially occurring on the project site and their natural history, the status of the species and their protection under environmental laws and regulations, and the penalties for take. Review of the erosion

and sediment control measures (see Mitigation Measure BIO-7), as well as any other appropriate recommendations, shall be given as actions to avoid impacts to all wildlife during construction. Other aspects of the training shall include a description of general measures to protect wildlife, including:

1. Delineation of the allowable work area, staging areas, access points, and limits to vehicle access;
2. Storage of all pipes, metal tubing, or similar materials stored or stacked on the project site for one or more overnight periods shall be either securely capped before storage or thoroughly inspected for wildlife before the materials are moved, buried, capped, or otherwise used.
3. Inspected of materials stored on-site, such as lumber, plywood, and rolls of silt fence, for wildlife that may have sheltered under or within the materials;
4. Use of netting to exclude birds from nesting in construction materials;
5. Constructing escape ramps in all excavations and trenches more than 6-inches deep;
6. Contact information for the City-approved biologist and instructions should any wildlife species be detected in the work site;
7. Dust suppression methods during construction activities when necessary to meet air quality standards and protect biological resources; and
8. Methods for containment of food-related trash items (e.g., wrappers, cans, bottles, food scraps), small construction debris (e.g., nails, bits of metal and plastic), and other human-generated debris (e.g., cigarette butts) in animal-proof containers and removal from the site on a weekly basis.

All project personnel who have attended the training shall sign an attendance sheet. The program shall be repeated for any new crews that arrive subsequently on the site.

**BIO-7 Riparian Area.** Prior to ground disturbance or other construction activity, the proposed 25- to 28-foot setback from the Old Garden Creek top of bank shall be identified on all construction plans and shall be mapped on-site through installation of protective fencing or other measures to demarcate the limits of construction in proximity to Old Garden Creek.

**Monitoring Program:** The survey requirements of Mitigation Measures BIO-1, BIO-2, BIO-4, and BIO-5 and delineation requirements of Mitigation Measure BIO-7 shall be incorporated into the project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified through submittal of an obscure bumble bee survey report, a northern California legless lizard survey report, a preconstruction nesting bird survey report, and a roosting bat survey report to the City Community Development Department. Mitigation Measure BIO-6 requires construction personnel to participate in environmental awareness training and sign a sign-in sheet following the training. The sign-in sheet shall be submitted to the City Community Development Department to confirm that all construction personnel have attended. Compliance shall be verified by the City prior to the start of construction and during regular inspections, as necessary.

## Cultural Resources

**CR-1** Prior to construction activities, a City-qualified archaeologist shall conduct cultural resource awareness training for all construction personnel, including the following:

1. Review the types of archaeological artifacts that may be uncovered;
2. Provide examples of common archaeological artifacts to examine;
3. Review what makes an archaeological resource significant to archaeologists and local Native Americans;
4. Describe procedures for notifying involved or interested parties in case of a new discovery;
5. Describe reporting requirements and responsibilities of construction personnel;
6. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and
7. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

**CR-2** If cultural resources are encountered during subsurface earthwork activities, all ground-disturbing activities within a 25-foot radius of the find shall cease and the City shall be notified immediately. Work shall not continue until a City-qualified archaeologist assesses the find and determines the need for further study. If the find includes Native American-affiliated materials, a local Native American tribal representative will be contacted to work in conjunction with the City-approved archaeologist to determine the need for further study. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement. Any previously unidentified resources found during construction shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of California Environmental Quality Act (CEQA) criteria by a qualified archaeologist.

If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan, in conjunction with locally affiliated Native American representative(s) as necessary, that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report, and file it with the Central Coast Information Center (CCIC), located at the University of California, Santa Barbara, and provide for the permanent curation of the recovered materials.

**CR-3** In the event that human remains are exposed during ground-disturbing activities associated with the project, an immediate halt work order shall be issued, and the City Community Development Director and locally affiliated Native American representative(s) (as necessary) shall be notified. California Health and Safety Code Section 7050.5 requires that no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall notify the Native American Heritage Commission within 24 hours. These requirements shall be printed on all building and grading plans.

**Monitoring Program:** The conditions in Mitigation Measures CR-1 through CR-3 shall be noted on all grading and construction plans. The City shall review and approve the City-qualified archaeologist consistent with the Archaeological Resource Preservation Program Guidelines.

## Greenhouse Gas Emissions

Implement Mitigation Measures AQ-1.

**GHG-1** A Greenhouse Gas Reduction Plan (GGRP) shall be prepared for the proposed project and shall be submitted to the City for review and approval prior to issuance of grading or building permits. The GGRP shall require annual impacts to be quantified over the life of the project to also account for reduction in project impacts due to future emission reduction technology that is included in the California Emissions Estimator Model (CalEEMod) and shall reduce annual greenhouse gas (GHG) emissions from the development by a minimum of 276.08 metric tons of carbon dioxide equivalence (MTCO<sub>2e</sub>) per year over the operational life of the proposed project. GHG emissions may be reduced through the implementation of on-site mitigation measures, off-site mitigation measures, or through the purchase of carbon offsets. It is recommended that the GGRP incorporate GHG-reduction measures identified in the City of San Luis Obispo's *CEQA GHG Emissions Analysis Compliance Checklist, Climate Action Plan Consistency Checklist for New Development*, as listed below. In the event that carbon offsets are required, carbon offsets shall be purchased from a validated/verifiable source, such as the *California Climate Action Registry*, and approved by City Planning staff prior to purchase. Demonstrated reduction of 276.08 MTCO<sub>2e</sub> per year over the operational life of the project could be achieved through a combination of the following specific measures. All or some of these measures may be elected and incorporated into the GGRP to provide the required reduction.

1. The project shall be provided electricity by 3CE.
2. The project could offset natural gas usage by building more efficient and higher performing buildings and performing retrofits on existing buildings..
3. The project shall be designed to minimize barriers to pedestrian access and interconnectivity.

4. The project shall be designed to provide safe and convenient access to public transit contiguous to the project site.
5. Additional Transportation Demand Management (TDM) reduction measures could be included to reduce vehicle miles traveled (VMT), which include but are not limited to:
  - a. Telecommuting;
  - b. Car sharing;
  - c. Shuttle service;
  - d. Carpools;
  - e. Vanpools;
  - f. Participation in the SLO Rideshare Back 'N' Forth Club;
  - g. Transit subsidies; and
  - h. Off-site sustainable transportation infrastructure improvements.
6. The project shall provide organic waste pick up and shall provide the appropriate on-site enclosures consistent with the provisions of the City's Development Standards for Solid Waste Services.
7. Carbon offsets could be purchased from a validated/verifiable source, such as the *California Climate Action Registry*, and approved by City Planning staff prior to purchase.

**Monitoring Program:** Mitigation Measure AQ-1 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Mitigation Measure GHG-1 shall be submitted to the City for review and approval prior to issuance of grading or building permits. Compliance shall be verified by the City during regular inspections, in coordination with the SLOAPCD, as necessary.

## Hazards and Hazardous Materials

Implement Mitigation Measures AQ-3 and AQ-4.

**HAZ-1** Prior to initiation of site preparation, vegetation removal, and earth-moving activities, the project contractor shall prepare and implement a Hazardous Materials Management Plan that details procedures that will be taken to ensure proper transport, use, and storage of hazardous construction materials and the appropriate handling, stockpiling, testing, and disposal of excavated materials to prevent the inadvertent release of hazardous construction materials and/or contaminated soil and demolished materials to the environment during construction activities. Elements of the plan shall include, but would not be limited to, the following:

### Worker Health and Safety

1. Accident prevention measures.
2. Measures to address hazardous materials and other site-specific worker health and safety issues during construction, including the specific level of protection required for construction workers. This shall include preparation of a site-specific health and safety plan in accordance with federal Occupational Safety and Health Administration (OSHA) regulations (29 Code of Federal Regulations [CFR] 1910.120) and California Division of Occupational Safety and Health (Cal/OSHA) regulations (8 California Code of Regulations [CCR] 5192) to address worker health and safety issues during construction.
3. The requirement that all construction crew members be trained regarding best practices for the proper transport, use, and storage of hazardous construction materials and the appropriate handling, stockpiling, testing, and disposal of excavated materials prior to beginning work.

### Soil Contamination

1. Procedures for the proper handling, stockpiling, testing, and disposal of excavated materials in accordance with CCR Title 14 and Title 22.

2. Soil contamination evaluation and management procedures, including how to properly identify potential contamination (e.g., soil staining, odors, or buried material), the requirement that construction activities within a 50-foot-radius of potentially contaminated soil be halted until the hazard has been assessed and appropriately addressed, the requirement that access to potentially contaminated areas be limited to properly trained personnel, and procedures for notification and reporting, including internal management and local agencies (e.g., fire department, City of San Luis Obispo), as needed.
3. Monitoring of ground-disturbing activities for soil contamination may include visual and organic vapor monitoring by personnel with appropriate hazardous materials training, including 40 hours of Hazardous Waste Operations and Emergency Response (HAZWOPER) training.
4. If visual and organic vapor monitoring indicates signs of suspected contaminated soil, then soil samples shall be collected and analyzed to characterize soil quality.
5. Evaluation of all potentially contaminated materials encountered during project construction activities in accordance with applicable federal, State, and local regulations and/or guidelines governing hazardous waste. All materials deemed to be hazardous shall be remediated and/or disposed of following applicable regulatory agency regulations and/or guidelines. Disposal sites for both remediated and non-remediated soils shall be identified prior to beginning construction. All evaluation, remediation, treatment, and/or disposal of hazardous waste shall be supervised and documented by qualified hazardous waste personnel.

#### **Hazardous Construction Materials**

1. Appropriate work practices necessary to effectively comply with applicable environmental laws and regulations, including hazardous materials management, handling, storage, disposal, and emergency response. These work practices include the following: an on-site hazardous material spill kit shall be provided for small spills; totally enclosed containment shall be provided for all trash; and all construction waste, including trash, litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, shall be removed to an appropriate waste facility permitted or otherwise authorized to treat, store, or dispose of such materials.
2. The requirement that hazardous construction materials must be stored and equipment must be refueled at least 50 feet from storm drain inlets, creeks, and other drainage features and covered with tarps or stored inside buildings to ensure that materials are not released to the air during windy conditions or exposed to rain.
3. Procedures for proper containment of any spills or inadvertent releases of hazardous materials.
4. Notification requirements in the event of an accidental release of hazardous materials into the environment. Construction crew members shall immediately notify a construction foreperson who shall then report the release to the City of San Luis Obispo to ensure the release is remediated in accordance with City requirements.

**Monitoring Program:** Mitigation Measure HAZ-1 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified through submittal of a Hazardous Materials Management Plan to the City Community Development Department. Mitigation Measures AQ-3 and AQ-4 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City during regular inspections, in coordination with the SLOAPCD, as necessary. The applicant shall submit the geologic evaluation detailed in measure AQ-3 to the City Community Development Department upon completion.

#### **Hydrology and Water Quality**

Implement Mitigation Measure BIO-7.

**Monitoring Program:** Delineation requirements of Mitigation Measure BIO-7 shall be incorporated into the project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City prior to the start of construction and during regular inspections, as necessary.

## Land Use and Planning

Implement Mitigation Measures BIO-1 through BIO-7.

**Monitoring Program:** The survey requirements of Mitigation Measures BIO-1, BIO-2, BIO-4, and BIO-5 and delineation requirements of Mitigation Measure BIO-7 shall be incorporated into the project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified through submittal of an obscure bumble bee survey report, a northern California legless lizard survey report, a preconstruction nesting bird survey report, and a roosting bat survey report to the City Community Development Department. Mitigation Measure BIO-6 requires construction personnel to participate in environmental awareness training and sign a sign-in sheet following the training. The sign-in sheet shall be submitted to the City Community Development Department to confirm that all construction personnel have attended. Compliance shall be verified by the City prior to the start of construction and during regular inspections, as necessary.

## Noise

- N-1** For the entire duration of the construction phase of the project, the following Best Management Practices (BMPs) shall be adhered to:
1. Stationary construction equipment that generates noise that exceeds 60 A-weighted decibels (dBA) at the project boundaries shall be shielded with the most modern noise control devices (i.e., mufflers, lagging, and/or motor enclosures).
  2. Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
  3. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used.
  4. All construction equipment shall have the manufacturers' recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
  5. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).
- N-2** Construction plans shall note construction hours, truck routes, and all construction noise BMPs, and shall be reviewed and approved by the City Community Development Department prior to issuance of grading/building permits. The City shall provide and post signs stating these restrictions at construction entry sites prior to commencement of construction and maintained throughout the construction phase of the project. All construction workers shall be briefed at a preconstruction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented.
- N-3** For all construction activity at the project site, additional noise attenuation techniques shall be employed as needed to ensure that noise levels are maintained within levels allowed by the City of San Luis Obispo Municipal Code, Title 9, Chapter 9.12 (Noise Control). Such techniques shall include, but are not limited to:
- Sound blankets shall be used on noise-generating equipment;
  - Stationary construction equipment that generates noise levels above 65 dBA at the project boundaries shall be shielded with a barrier that meets a sound transmission class (a rating of how well noise barriers attenuate sound) of 25;
  - All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers;
  - The movement of construction-related vehicles, with the exception of passenger vehicles, along roadways adjacent to sensitive receptors shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No movement of heavy equipment shall occur on Sundays or official holidays (e.g., Thanksgiving, Labor Day); and
  - Temporary sound barriers shall be constructed between construction sites and affected uses.

**N-4** The project contractor shall inform residents and business operators at properties within 300 feet of the project of proposed construction timelines and noise compliant procedures to minimize potential annoyance related to construction noise. Signs shall be in place prior to and throughout grading and construction activities informing the public that noise-related complaints shall be directed to the construction manager prior to the City's Community Development Department.

**Monitoring Program:** Construction plans shall note construction hours, truck routes, and all construction noise BMPs, and shall be reviewed and approved by the City Community Development Department prior to issuance of grading/building permits. Compliance shall be verified by the City prior to the start of construction and during regular inspections, as necessary.

### **Tribal Cultural Resources**

Implement Mitigation Measures CR-1 through CR-3.

**Monitoring Program:** These conditions shall be noted on all grading and construction plans. The City shall review and approve the City-qualified archaeologist consistent with the Archaeological Resource Preservation Program Guidelines.

### **Utilities and Service Systems**

Implement Mitigation Measures AQ-1 through AQ-4, BIO-1 through BIO-7, CR-1 through CR-3, HAZ-1, and N-1 through N-4.

**Monitoring Program:** Mitigation Measures AQ-1 through AQ-4 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City during regular inspections, in coordination with the SLOAPCD, as necessary. The applicant shall submit the geologic evaluation detailed in Mitigation Measure AQ-3 to the City Community Development Department upon completion. The survey requirements of Mitigation Measures BIO-1, BIO-2, BIO-4, and BIO-5 and delineation requirements of Mitigation Measure BIO-7 shall be incorporated into the project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified through submittal of an obscure bumble bee survey report, a northern California legless lizard survey report, a preconstruction nesting bird survey report, and a roosting bat survey report to the City Community Development Department. Mitigation Measure BIO-6 requires construction personnel to participate in environmental awareness training and sign a sign-in sheet following the training. The sign-in sheet shall be submitted to the City Community Development Department to confirm that all construction personnel have attended. Compliance shall be verified by the City prior to the start of construction and during regular inspections, as necessary. The conditions of Mitigation Measures CR-1 through CR-3 shall be noted on all grading and construction plans. The City shall review and approve the City-qualified archaeologist consistent with the Archaeological Resource Preservation Program Guidelines. Mitigation Measure HAZ-1 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified through submittal of a Hazardous Materials Management Plan to the City Community Development Department. Construction plans shall note construction hours, truck routes, and all construction noise BMPs, and shall be reviewed and approved by the City Community Development Department prior to issuance of grading/building permits. Compliance shall be verified by the City prior to the start of construction and during regular inspections, as necessary.



Air Pollution Control District  
San Luis Obispo County

**VIA EMAIL ONLY**

November 4, 2021

Kyle Bell  
City of San Luis Obispo  
919 Palm Street  
San Luis Obispo, CA 93401  
kbell@slocity.org

SUBJECT: APCD Comments Regarding The Villages at the Palms Expansion (ER 0528-2021)

Dear Kyle Bell:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed expansion of The Village at the Palms located at 55 Broad Street in San Luis Obispo. The existing facilities consist of three residential care facilities (Garden Creek, The Oaks, and The Palms), each on separate parcels. The proposed project would expand the available residences with two new buildings (Building A and Building B) located on the southeast corner of Ramona Drive and Palomar Avenue. As proposed, Building A includes a three-story building with thirty-seven new units (8 studio units, 24 one-bedroom units, 5 two-bedroom units) and amenities, such as a commercial kitchen, dining room, living room, multipurpose activities space, administrative offices, and a rooftop terrace. Building B includes a total of four floors, with the first two floors providing a parking garage and the upper two floors providing additional residential units (22 one-bedroom units). The proposed number of residents for the project is sixty-four. Building A would be approximately 13,293 square feet and Building B would be approximately 12,068 square feet. Both buildings would be on the western portion of APN-052-162-021 with details under the lot line adjustment application SBDV-0246-2020 (SLO AL 20-0002).

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The following comments are formatted into 3 sections. The **(1) General Comments** section states information pertinent to the applicant, lead agency, and/or public. The **(2) Air Quality** and **(3) Greenhouse Gas Emissions** sections may state mitigation measures and/or rules and requirements which the APCD recommends be set as conditions of approval for the project.

The **applicant** or **agent** should contact the APCD Engineering & Compliance Division about permitting requirements stated in the (1) General Comments section. The **lead agency** may contact the APCD Planning Division for questions and comments related to proposed conditions of approval in the (2) Air Quality and (3) Greenhouse Gas Emission sections. Both Divisions can be reached at (805) 781-5912.



Please Note: The APCD recently updated the [Land Use and CEQA Webpage](#) on the [slocleanair.org](http://slocleanair.org) website. The information on the webpage displays the most up-to-date guidance from the SLO County APCD, including the [2021 Interim CEQA Greenhouse Gas Guidance](#), [Quick Guide for Construction Mitigation Measures](#) and [Quick Guide for Operational Mitigation Measures](#).

## (1) General Comments

### Infill within Urban Reserve Lines & Village Reserve Lines

The APCD encourages balance of residential and commercial infill within the existing urban reserve lines and village reserve lines, as this is consistent with the land use goals and policies of the APCD's Clean Air Plan. Increasing density can reduce emissions and vehicle miles traveled (VMT) by minimizing the number of trips and travel distances and encourage active transportation. The APCD supports the project proponents on their use of infill development, as it is also consistent with SLOCOG's Regional Transportation Plan and Sustainable Communities Strategy.

### Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require a California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive:

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generators; and
- Internal combustion engines.

For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's [CEQA Air Quality Handbook](#) (April 2012).

### Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive:

- Electrical generation plants or the use of standby generators;
- Boilers; and
- Internal combustion engines.

For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's [CEQA Air Quality Handbook](#) (April 2012). Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment.

## (2) Air Quality

### CONSTRUCTION PHASE

#### Construction Phase Impacts - Below Threshold(s)

The Initial Study' summarized the project's construction impacts in Table 3 of the document. Using the most recent CalEEMod land-use air quality model, the evaluation determined the construction phase impacts will likely be less than the APCD's significance threshold values identified in Table 2-1 of the [CEQA Air Quality Handbook](#) (April 2012).

**With the project's implementation of Air Quality Mitigation Measures AQ-1, 2, 3, and 4, fugitive dust emissions and toxic air pollution impacts will be appropriately minimized.**

### OPERATIONAL PHASE

#### Operational Phase Impacts - Below Threshold

Based on the Initial Study's operational phase emission estimates in Table 4 of the document, the emissions related to the operational phase would likely be less than the APCD's significance threshold values identified in Table 3-2 of the CEQA Air Quality Handbook. **Therefore, APCD is not requiring any criteria pollutant operational phase mitigation measures for this project.**

## (3) Greenhouse Gas Emissions

#### APCD's Comments on Initial Study's GHG Section

1. Table 5 in the Initial Study appears to have overestimated the "Reductions Required to Meet CAP Threshold." Based on the Initial Study's CalEEMod land-use model estimates, the 230.71 MTCO<sub>2</sub>e/year value listed in Table 5 should be 189.57 MTCO<sub>2</sub>e/year (234.37 - 44.8).
2. Based on the Initial Study's CalEEMod emission estimate, the first sentence after Table 5 appears to incorrectly list the annual GHG emissions from the project as 278.24 MTCO<sub>2</sub>e/year. Table 5 includes the appropriate value as 234.37 MTCO<sub>2</sub>e/year.
3. Mitigation Measure GHG-1 on page 42 of the Initial Study appears to include the incorrect annual GHG reductions (276.08 MTCO<sub>2</sub>e/year) needed to mitigate the project. Based on the Initial Study's CalEEMod emission estimate, the correct value would be 189.57 MTCO<sub>2</sub>e/year.
4. The Initial Study's CalEEMod emission estimate is for the build out year of 2023 and uses a PG&E CO<sub>2</sub> intensity factor of 203.98 lb/MWhr. The APCD recently received the following carbon intensity values for Central Coast Clean Energy customers:
  - a. 2023: 526.33 lb/MWhr
  - b. 2024: 446.53 lb/MWhr
  - c. 2025: 386.83 lb/MWhr
  - d. 2026: 311.30 lb/MWhr
  - e. 2027: 233.28 lb/MWhr
  - f. 2028: 157.75 lb/MWhr
  - g. 2029: 82.18 lb/MWhr
  - h. 2030 - 2048: 6.63 lb/MWhr

Using the single Initial Study CalEEMod emission estimate for 2023 and applying that over the project life will overestimate the number of excess emissions needing mitigation. The APCD recommends using the above listed emission factors over the project life to compute the excess emissions more accurately. In addition, running the model for future years will also account for other emission reductions that will be realized over time such as the cleanup of transportation emissions. The APCD [2021 Interim CEQA Greenhouse Gas Guidance](#) document recommends a 25 year project life for residential developments.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



ANDY MUTZIGER  
Air Quality Specialist

AJM/kaw

cc: Morrison I, LP, Applicant  
Patrick Smith, Agent  
Dora Drexler, APCD  
Carissa Reynolds, APCD