

Final EIR Comments and Responses to Comments



Dalidio/San Luis Marketplace Annexation and Development Project Final EIR

Table of Contents

1.0	Introduction	CR-1
2.0	Draft EIR Clarifications and Modifications/Errata.....	CR-2
3.0	Responses to Public Hearing Testimony	CR-16
4.0	Written Comments and Responses on the Draft EIR.....	CR-50
	Table CR-1 Commentors on the Draft EIR.....	CR-50
Appendix FEIR-1	<i>San Luis Marketplace Hydrologic Analysis, Questa Engineering Corp., March 17, 2004</i>	



FINAL EIR COMMENTS and RESPONSES

1.0 INTRODUCTION

In accordance with § 15088 of the State California Environmental Quality Act (CEQA) Guidelines, the City of San Luis Obispo, as the lead agency, has reviewed the comments received on the Draft Environmental Impact Report (Draft EIR) for the Dalidio/San Luis Marketplace Annexation and Development Project and has prepared written responses to the written and verbal comments received. The Draft EIR was circulated for the required 45-day public review period, beginning January 27, 2004, and concluding March 11, 2004.

Each written comment that the City received is included in this Comments and Responses document. Responses to these comments have been prepared to address the environmental concerns raised by the commentors and to indicate where and how the EIR addresses pertinent environmental issues. The comment letters included herein were submitted by public agencies and private citizens. Responses to summarized verbal public comments at the public hearing are also provided in this document.

The Draft EIR and this Comments and Responses report collectively comprise the Final EIR for the project. Any changes made to the text of the Draft EIR correcting information, data or intent, other than minor typographical corrections or minor working changes, are noted in the Final EIR as changes from the Draft EIR. This Comments and Responses report consists of this introduction (Section 1.0), Draft EIR clarifications and modifications/errata sheet (Section 2.0), responses to verbal comments issued at the public hearing of February 25, 2004 (Section 3.0), and comment letters and responses to comments (Section 4.0).

The focus of the responses to comments is the disposition of environmental issues that are raised in the comments, as specified by § 15088 (b) of the State CEQA Guidelines. Detailed responses are not provided to comments on the merits of the proposed project. However, when a comment is not directed to an environmental issue, the response indicates that the comment has been noted and forwarded to the appropriate decision-makers for review and consideration, and that no further response is necessary.

Where a comment results in a change to the EIR text, a notation is made in the comment indicating that the text is revised. Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by bold font (**bold font**) where text is added.



2.0 DRAFT EIR CLARIFICATIONS AND MODIFICATIONS/ERRATA

This section presents clarifications and modifications to information contained in the Draft EIR, based on the comments and responses presented in Section 3.0 (verbal comments) and Section 4.0 (written comments) of this report. Additions are underlined and deletions are printed in strike-through type. These changes are organized by the sections contained in the Draft EIR. The numbers in parentheses preceding each item refer to the applicable comment number from the comments and responses discussion in Section 3.0 and Section 4.0.

Section 2.0, *Project Description*

(Comment PC-47) Page 2-29, Phase I item 6, has been revised as follows:

“6. Construct the Prado Road interchange in Phase 1. **Construction of the retail and hotel portion of the project cannot begin until the design has been approved for the Prado Road interchange, the contract for the construction of the facility has been awarded, and funding for the interchange has been secured.** ~~general retail will be complete before completion of the interchange.~~”

Section 4.1, *Geology/Hazards*

(Comment PC-55) Section 4.1 has been revised to include the following figure: “San Luis Obispo County Airport Hazards”.

(Comment PC-70) Page 4.1-7, first full paragraph, has been revised as follows:

“An extensive ~~petro-chloroethylene~~ **perchloroethylene** (PCE) plume created by two dry cleaning businesses is located within the Dalidio property and Prado Road interchange improvements area (refer to Figure 4.1-2).”

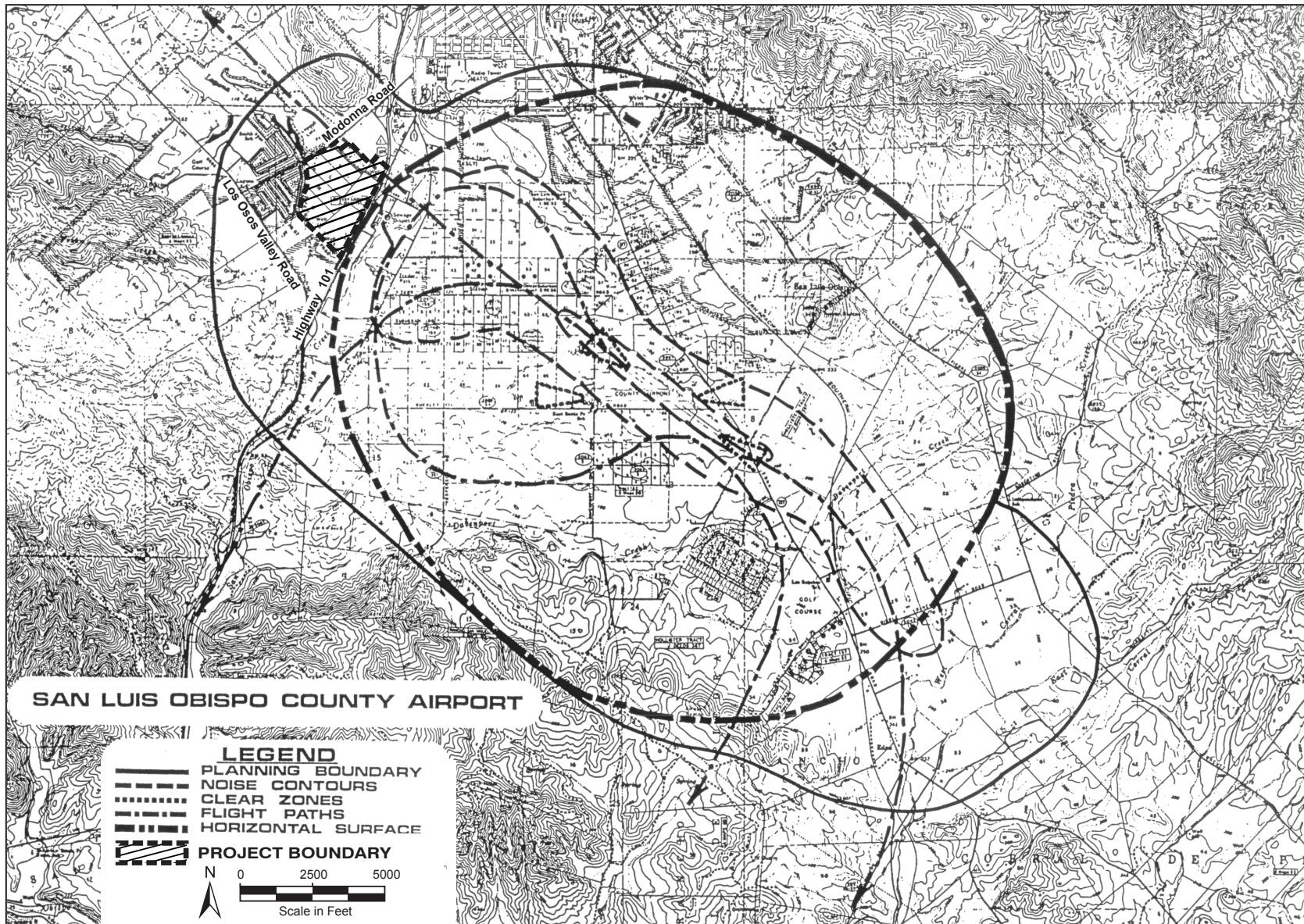
(Comment PC-70) Table 4.1-1 on page 4.1-9, has been revised as follows:

“A ~~petro-chloroethylene~~ **perchloroethylene** (PCE) plume created by two dry cleaning businesses is located within the project area. Groundwater is approximately 20 feet bgs in the project area.”

(Comment 8C) Mitigation Measure GEO-6(C), on pages 4.1-17 and ES-6 of the Draft EIR, has been revised as follows:

“GEO-6(c) In the event that groundwater is encountered during construction, all construction work in the vicinity of the groundwater will be halted. **RWQCB shall be contacted to determine appropriate remediation actions. This could involve testing** ~~The groundwater shall be tested for TPH and PCE, and treated~~ **treatment of affected groundwater** to a concentration below RWQCB standards, by a City approved registered environmental assessor or environmental engineer in consultation with RWQCB before the water can be released into the watershed, **and/or other remediation actions required by RWQCB.**”





San Luis Obispo Airport Hazards

Figure 4.1-3
City of San Luis Obispo

Section 4.2, Drainage and Water Quality

(Comment PC-25) Page 4.2-1, third full paragraph, of the Draft EIR has been revised as follows:

*“Within the Dalidio Property, the proposed project would result in loss of floodplain storage and an increase in impervious surface area. These on-site impacts would increase floodwater surface elevations across the Dalidio Property, in Prefumo Creek and in San Luis Obispo Creek downstream of Prefumo Creek. The predicted increases in water surface elevations are **below** ~~above~~ the significance thresholds outlined in the San Luis Obispo Creek Waterway Management Plan design manual. These on-site flooding impacts constitute a Class **II I**, significant **but mitigable** ~~and unavoidable~~, impact.”*

(Comment PC-25) Impact DW-1, on page 4.2-14 of the Draft EIR, has been revised as follows:

“Impact DW-1 The project would result in increased flood water surface elevations across the Dalidio Property, within Prefumo Creek, and within San Luis Obispo Creek downstream of its confluence with Prefumo Creek. Portions of the project site are located within the 100-year flood zone as indicated by the Federal Flood Insurance Rate Maps. Upon construction of the Prado Road Interchange and the proposed interchange viaduct drainage system, the project could expose people and property to flood hazards on-site and downstream of the project site due to a) increased runoff due to increased impervious surface area and b) loss of floodplain storage. This is considered a Class **II I**, significant **but mitigable** ~~and unavoidable~~, impact.”

(Comment PC-25) Pages 4.2-15 and 4.2-16 of the Draft EIR, beginning at the fifth full paragraph on page 4.2-15, have been revised as follows:

“Floodplain storage was modeled in the HEC-HMS watershed model by approximating the entire lower Prefumo subbasin as a reservoir. This reservoir encompassed a floodplain area of approximately 180 acres (extending from the Dalidio Property north to the Madonna Road Interchange). Existing storage volume over the Dalidio Property was estimated to be 1,585,700 cubic meters. The proposed fill volume for the project of 250,700 cubic meters would reduce floodplain storage volume by an equal amount, yielding a proposed storage volume of 1,335,000 cubic meters. However, the actual usable floodplain storage volume over the lower Prefumo subbasin would not use the volumes projected for a “full” reservoir. Instead, estimated floodplain depths over the Dalidio Property under the estimated 100-year peak flow average are about 0.3 meters (1 foot). Thus, the usable floodplain storage volume within the lower Prefumo subbasin would be 222,000 cubic meters, of which the 45-acre Dalidio Property development proposed fill would take up about 55,000 cubic meters, or 25%. However, this decrease in floodplain storage volume would not significantly impact downstream discharge rates or water surface elevations. This is most likely due to the fact that proposed fill does not begin until approximately 38 meters elevation (NAVD 88 vertical datum), outside of the area encompassed by Prefumo Creek backwater flooding.

~~Currently, the Dalidio Property provides floodplain storage for San Luis Obispo Creek. Placing fill in this area would reduce floodplain storage and decrease floodplain storage time. This in turn would increase peak flows in San Luis Obispo Creek.~~



The loss of floodplain storage due to proposed development on the Dalidio Property would increase flows in Prefumo Creek by 12%, and would increase flows in San Luis Obispo Creek downstream by approximately 4%. The increased flow rates downstream in San Luis Obispo Creek translate to increased water surface elevations. Between San Luis Obispo Creek's confluence with Prefumo Creek and the Los Osos Valley Road (LOVR) bridge, water surface elevations would increase by 0.08 meters (3 inches); between the LOVR bridge and where Froom Creek enters San Luis Obispo Creek, water surface elevations would increase by 0.06 meters (2.4 inches).

According to WMP thresholds of significance for increases in water surface elevation (i.e., 2.5 inches), the project would **not** result in a significant impact on floodwater surface elevations **along between San Luis Obispo Creek 's confluence with Prefumo Creek and the Los Osos Valley Road (LOVR) bridge.**

~~Also,~~ First floor elevations taken from the proposed conceptual grading plan were compared to 100-year water surface elevations under the existing split flow discharge regime. The proposed grading plan does not meet the City's current one-foot freeboard requirement for existing 100-year flood flow under the existing split flow discharge regime. This would be considered a potentially significant impact."

(Comment PC-25) Page 4.2-17, seventh full paragraph of the Draft EIR, has been revised as follows:

"Significance After Mitigation. Mitigation Measure DW-1(a) would reduce project impacts to **a less than significant level** ~~the extent feasible. However, no feasible mitigation measures are available that would reduce this impact to a less than significant level. Therefore, this impact would remain Class I, significant and unavoidable."~~

(Comment PC-25) Page 4.2-20, seventh full paragraph of the Draft EIR, has been revised as follows:

"c. Cumulative Impacts. Cumulative development in the City of San Luis Obispo and the San Luis Obispo Creek Watershed are anticipated to contribute to an incremental increase in runoff. Projects upstream of the proposed project site would contribute to the risk of flooding at the proposed project site. Each cumulative project would be expected to provide its own interim water retention/detention facilities to mitigate peak flows and downstream flooding. Project-specific mitigation measures would reduce cumulative impacts associated with the proposed project to the extent feasible. ~~However,~~ **as** described in Impacts DW-1 and DW-2, project flooding impacts would be considered Class **II I**, **significant but mitigable and unavoidable**, ~~since the feasibility of necessary off-site post-project drainage improvements cannot be assured.~~ Since drainage modeling prepared for the project included cumulative development, the Class **I II** impacts identified in Impact DW-1 would **also** be considered a **significant but mitigable** cumulative impact."

Section 4.3, Air Quality

(Comment 3E) Page 4.3-3, first full paragraph, has been revised as follows:

“Federal air quality standards within the jurisdiction of the San Luis Obispo APCD have been attained, while the County is in non-attainment for the state standards for ~~ozone and~~ PM₁₀. **The San Luis Obispo County area was designated as attainment for the state standard for ozone in January 2004.**”

(Comment 3E) Page 4.3-4, first full paragraph, has been revised as follows:

“As noted above, San Luis Obispo County is in nonattainment regarding ~~ozone and~~ PM₁₀, **but has recently achieve attainment status regarding the state standard for ozone.**”

(Comment 3H) Mitigation Measure AQ-1(a), on page 4.3-7 of the Draft EIR, has been revised as follows:

- “AQ-1(a) The applicant shall implement the following Best Available Control Technology (CBACT) for diesel-fueled construction equipment, where feasible:
- *Maintain all construction equipment in proper tune according to manufacturer’s specifications;*
 - *Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);*
 - *Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB’s 1996 or newer certification standard for off-road heavy-duty diesel engines;*
 - *Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices (the number of catalysts or filters required and the equipment on which they should be installed shall be determined in consultation with APCD);*
 - *Electrify equipment where feasible;*
 - *Develop and implement a Diesel Emission Control Plan (DECP) that describes the diesel emission controls to be used during construction and specifies the use of DOCs and CDPFs, in consultation with APCD prior to the start of construction;*
 - *Substitute gasoline powered for diesel powered equipment, where feasible;*
 - *Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel; and*
 - *Use equipment that has Caterpillar pre-chamber diesel engines;*

If any of the above CBACT’s is considered infeasible, the applicant shall notify the Community Development Department, by letter, and clearly state why any of the measures of are considered infeasible. The Community Development Department, in consultation with the San Luis Obispo County



APCD would then make a final determination as to whether the measure is infeasible.”

(Comment 3M) Mitigation measure AQ-2(a), on page 4.3-11 of the Draft EIR, has been revised as follows:

“AQ-2(a) Increase building energy efficiency ratings by at least 10% above what is required by Title 24 requirements. Potential energy consumption reduction measures include, but are not limited to, increasing attic, wall, or floor insulation, the use of photovoltaic roof tiles, installation of energy efficient windows, **installation of energy efficient interior lighting, use of high efficiency heating and cooling, use roofing material with a solar reference value that meets the EPA/DOE Energy Star rating, installation of low energy parking lot lights,** and the use of R-45 insulation in the roof/attic space of all on-site structures.”

(Comment 3N) Mitigation measure AQ-2(b), on page 4.3-11 of the Draft EIR, has been revised as follows:

“AQ-2(b) Shade trees shall be planted to shade on-site structures to the greatest extent possible in summer, decreasing indoor temperatures, and reducing energy demand for air conditioning. **Shade trees shall also be planted throughout the parking lots to reduce evaporative emissions from parked vehicles.** The landscape plan shall be submitted to the San Luis Obispo APCD for review and comment. The City’s Architectural Review Commission (ARC) shall review project landscaping plans for consistency with this mitigation measure.”

(Comment 8E) Mitigation Measure AQ-4(a), on pages 4.3-15 and ES-16 of the Draft EIR has been revised as follows:

“AQ-4(a) The applicant shall develop and operate an employer-based Transportation Management Program per Clean Air Plan TCM T-1C, which incorporates the following provisions:

- a. Bicycle racks and/or bicycle lockers at a ratio of 1 bicycle parking space for every 10 car parking spaces shall be installed for customers and employees, **or at a ratio otherwise acceptable the SLOAPCD to be determined prior to occupancy clearance;** and
- b. Carpool, vanpool and transit information shall be posted in employee break/lunch areas.”

(Comment 3P) Mitigation measure AQ-4(b), on page 4.3-15 of the Draft EIR, has been revised as follows:

“AQ-4(b) To reduce overall project trip generation and associated air contaminant emissions, project tenants ~~should~~ **will** be required to establish and maintain employee trip reduction programs that ~~could~~ **will** include, but are not limited



to, the following elements:

- Free or subsidized employee passes for SLO Transit;
- ~~Senior Citizen subsidized patron passes for SLO Transit;~~
- Vanpool services provided by Ride-On Transit;
- Cash incentives for using alternative travel modes;
- On-site rideshare matching services;
- On-site shower facilities for bicycle users;
- **Encourage Guaranteed Ride Home services for employees who use alternative transportation;**
- **A minimum of 25 parking spaces to be shared use as a public Park and Ride lot;**
- Posted information on alternative travel modes; and
- Preferential parking for employee carpools/vanpools (where feasible)."

(Comment 3E) Page 4.3-16, fifth full paragraph, has been revised as follows:

"San Luis Obispo County air basin is currently in non-attainment for state ~~standards for ozone~~ and PM₁₀, **but has recently achieve attainment status regarding the state standard for ozone.** The proposed project, in combination with pending development elsewhere in the City of San Luis Obispo planning area, could contribute to the cumulative degradation of regional air quality. Increases in automobile traffic, resulting from General Plan buildout would cause increases in ozone precursor and PM₁₀ emissions. In addition, cumulative construction-related emissions would contribute to the cumulative exceedance of the state ~~and federal ozone~~ PM₁₀ standard. Because the proposed project would incrementally add to the exceedance of ~~these standards~~ **this standard**, cumulative impacts would be significant and unavoidable."

Section 4.6, Agricultural Resources

(Comment 4E) Mitigation Measure AG-1(d) has been added to page 4.6-7 of the Draft EIR, as follows:

"AG-1(d) Off-Site Open Space Dedication Agricultural Characteristics. The 20 acres of off-site open space proposed to be funded by the applicant shall be characterized by similar overall agricultural suitability as the on-site agricultural lands."

(Comment 4F) Page 4.6-8, first incomplete paragraph, has been revised as follows:

"Any restricted pesticides, like methyl bromide, would require a permit be obtained through the San Luis Obispo County Agricultural Commissioner's Office. ~~Agricultural Commissioner approved strategies may be utilized to reduce conflicts between agricultural operations and adjacent uses. These strategies may include, but are not limited to, the restriction of pesticide spraying within a specified distance of the adjacent uses.~~"



Section 4.7, *Aesthetics*

(Comment PC-51) Section 4.7, *Aesthetics*, has been revised to include the following figure:

“Figure 4.7-1. Existing Visual Characteristics of the Subject Site: Viewpoint Location Map”.

(Errata) Section 4.7, *Aesthetics*, has been revised to include the following figures:

“Figure 4.7-4A. Photo-simulation of the Prado Road Interchange, Looking North from U.S. 101”.

“Figure 4.7-4B. Photo-simulation of the Prado Road Interchange, Looking South from U.S. 101”.

Refer to Section 4.7, *Aesthetics*, for a discussion of project aesthetic impacts associated with construction of the Prado Road/Highway 101 interchange.

Section 4.8, *Public Utilities*

(Comment 8L) Page 4.8-9, second full paragraph, has been revised as follows:

“Mitigation Measures. No mitigation would be required with the payment of Water Impact Fees **or other methods by which the applicant** pays their fair share of the cost for new supplies of water. However the following mitigation measure is recommended to reduce the cumulative impacts of increased water demand from the proposed project and other future development.”

Section 4.10, *Traffic and Circulation*

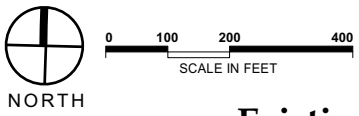
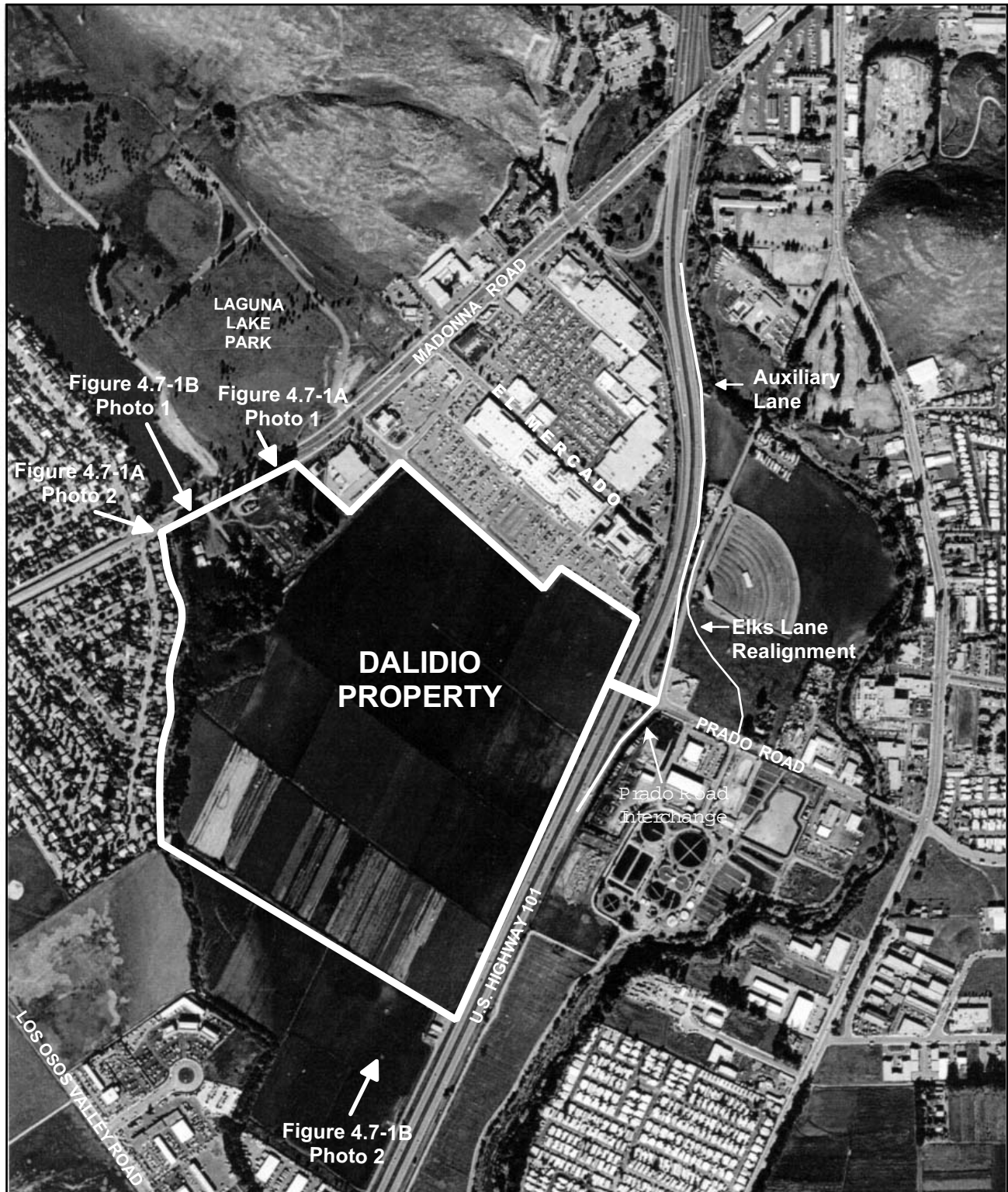
(Errata) Page 4.10-9, second full paragraph, has been revised as follows:

“To address this issue, a 48-hour traffic count was conducted in May 2003 on Oceanaire Drive north of Madonna Road to determine the average daily traffic volume. This count showed a an average volume of 5,400 vehicles per day (vpd), which is ~~substantially~~ higher than the volume of ~~2,300~~ 4,600 (vpd) counted three years ago.”

(Comment PC-55) Page 4.10-55, third full paragraph, has been revised as follows:

“The project description indicates that that the new collector street could be extended south to intersect with Los Osos Valley Road, providing an alternative to Madonna Road between Dalidio Drive and LOVR. **The collector road would connect to LOVR at the existing, recently installed traffic signal at Froom Ranch Way.**”





Existing Visual Character of the Subject Site:
Viewpoint Location Map

Figure 4.7-1



Source: Mark Thomas & Company, Inc., 2004.

**Photo-simulation of Prado Road Interchange,
looking North from Highway 101**

Figure 4.7-4A





Source: Mark Thomas & Company, Inc., 2004.

**Photo-simulation of Prado Road Interchange,
looking South from Highway 101**

Figure 4.7-4B



(Comment PC-45) Page 4.10-57, Mitigation Measure T-14(a) has been revised as follows:

“T-14(a) Construct the proposed collector street from Dalidio Drive to the south edge of the property as a two-lane roadway with sidewalks. ~~If the collector street is ultimately extended to LOVR,~~ Preserve right-of-way and setbacks **on-site** to accommodate a **three-lane** ~~two-lane~~ roadway with a center two-way left-turn lane, sidewalks and bicycle lanes in both directions from the south edge of the property to LOVR. The project will be responsible for bonding **or providing another appropriate security for** roadway improvements not constructed as part of initial project development. ~~Development at the south end of the collector street should not preclude extension of the roadway to LOVR as a three-lane facility with median, sidewalks and bicycle lanes.~~”

Section 6.1, *Growth-Inducing Impacts*

(Comment PC-39) The following paragraph has been added after the last paragraph on Page 6-1 of the Draft EIR:

“The proposed commercial and business park uses would generate approximately 1,666 new jobs. Using an average household size of 2.27 persons per household (U.S. Census 2000), this job creation would result in the need for 734 housing units. Although some jobs would likely be filled by current residents of the City of San Luis Obispo, many of the new job opportunities would likely be filled by people relocating to the area. In this way, the proposed project may indirectly generate population growth in the area. The number of relocatees and the location in which they would reside cannot be predicted with any certainty, but it is likely that the proposed project would contribute to housing demand in the City. This could increase pressure for additional housing development and/or tend to drive up housing prices.”

Section 6.2, *Significant and Irreversible Environmental Effects*

(Comment PC-73) Page 6-3, second full paragraph, has been revised as follows:

“The increased employment base generated by the project would irreversibly increase the demand for finite energy resources such as petroleum and natural gas. However, the increasingly efficient building fixtures ~~and automobile engines~~ would temper the increased demand to some degree.”

(Comment PC-25) Page 6-3, fourth full paragraph, has been revised as follows:

“~~Within the Dalidio Property, the proposed project would result in loss of floodplain storage and an increase in impervious surface area. These on-site impacts would increase floodwater surface elevations across the Dalidio Property, in Prefumo Creek and in San Luis Obispo Creek downstream of Prefumo Creek. The predicted increases in water surface elevations are above the significance thresholds outlined in the San Luis Obispo Creek Waterway Management Plan design manual. These on-site flooding impacts constitute a Class I, significant and unavoidable, impact.~~”



Section 7.0, Alternatives

(Comment PC-42) Page 7-4, first full paragraph, has been revised as follows:

“However, the Agriculture zoning would more effectively earmark the site for continued agricultural uses, rather than other "open space" uses on the site, such as parks. **In addition, with the annexation of the site under this alternative, the City would be able to oversee improvements to existing deficient storm drainage conditions on the site.**”

(Comment PC-43) Page 7-8, third full paragraph, has been revised as follows:

“~~Additionally, the residential units under this alternative could be exposed to severe noise from U.S. Highway 101.~~ Therefore, this alternative is considered *inferior* to the proposed project from a noise perspective.”

(Comment PC-44) Page 7-17, fifth full paragraph, has been revised as follows:

“*Public Utilities.* This alternative would result in similar land use types as in the proposed project, but would add recreational amenities, including a 2.5 acre garden area **and a soccer field. Depending on the type of plants in the garden it will likely have a lesser water demand than agriculture but the soccer field will require irrigation which has a similar water demand as agriculture that will increase water demand.** In addition, the concourse area may require restroom facilities that would increase wastewater discharges. Therefore, this alternative would result in increased impacts to water and wastewater service and is considered *inferior* to the proposed project.”

Additional Appendix

The following document has been included as an appendix to the EIR, and is attached to this Final EIR:

San Luis Marketplace Hydrologic Analysis, Questa Engineering Corporation, March 17, 2004.

3.0 RESPONSES to PUBLIC HEARING TESTIMONY

An opportunity for public testimony regarding the project and Draft EIR was offered from the City of San Luis Obispo Planning Commission and citizens during a public hearing held on February 25, 2004. Verbal responses were provided to several comments, as noted in the meeting minutes. The comments from the Planning Commission and citizens that raise an environmental concern and as such require a written response that is not contained in the meeting minutes are included herein and are numbered sequentially (e.g. PC-1, PC-2, etc.). Correspondingly numbered responses to the oral comments immediately follow the public meeting minutes included in this section of the document.



**SAN LUIS OBISPO
PLANNING COMMISSION MINUTES
February 25, 2004**

CALL TO ORDER/PLEDGE OF ALLEGIANCE:

The San Luis Obispo Planning Commission was called to order at 7:00 p.m. on Wednesday, February 25, 2004, in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo.

ROLL CALL:

Present: Commissioners Jim Aiken, Allan Cooper, Alice Loh, James Caruso, Michael Boswell, Carlyn Christianson, and Chairperson Orval Osborne

Absent: None

Staff: Senior Planner Pam Ricci, Deputy Community Development Director Ronald Whisenand, Economic Development Manager Shelly Stanwyck, Assistant City Attorney Gil Trujillo, and Recording Secretary Irene Pierce

ACCEPTANCE OF THE AGENDA

The agenda was accepted as presented.

APPROVAL OF THE MINUTES:

The minutes of October 22, October 29, November 12, December 3, and December 17, 2003, and January 28, 2004 were accepted as presented.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

MaryBeth Schroeder, 2085 Wilding Lane, expressed her opinion that the City does not need more shopping centers, more roads, or any expansion.

There were no further comments made from the public.

PUBLIC HEARING ITEMS:

1. **2005 Dalidio Drive.** ER 108-02: Draft Environmental Impact Report (EIR) for a proposed shopping center. SLO Marketplace Assoc., LLC, applicant. *(Pam Ricci)*

Senior Planner Pam Ricci presented the staff report, asking the Commission to receive public testimony and provide input to City and consultant staffs on any additional analysis or data needed to adequately evaluate environmental issue areas. She clarified that this meeting is not the appropriate forum for discussion of the merits of the project, details of the design, or economic impacts, and that future meetings will be held in the next few months to discuss and evaluate specific project entitlements. She explained the purpose of this meeting is to educate the Commission and the public on

the conclusions of the EIR, and to receive comments and suggestions regarding the document. She further noted that no formal action would be taken on the EIR at this meeting. It was her opinion that the EIR is a good, thorough document that adequately evaluates the project's environmental impacts.

Planner Ricci reported that in March, 2003, staff and the consultant team conducted a scoping meeting, introduced the project and obtained public feedback on the workscope. She summarized the project, noting the most visible component is the Marketplace Shopping Center, which contains 650,000 sq. ft. of retail space and 15 buildings including a 150-room hotel, on 47 acres. She added that a full interchange at Prado Road and Highway 101 (an extension of Prado Road) will be developed with the project. She noted a business park component on approximately 13 acres of the site is proposed, although specific plans have not yet been developed. She emphasized that approximately 59 acres of open space would be dedicated with project development, including a 7-acre extension of Laguna Lake Park.

Ms. Ricci summarized the project phasing: **Phase 1:** Development of the Marketplace component and development of the highway interchange and extension of Prado Road to Madonna Road. She noted that construction of the commercial portion of the project cannot begin until the design for the interchange has been approved, the contract for construction has been awarded, and funding has been secured. This phase would also include the open space dedication. **Phase 2:** Development of the 13-acre business park, widening of Madonna Road, and dedication of the Los Osos Valley Road connection right-of-way.

Richard Daulton, Rincon Consultants, presented an in-depth review of the CEQA process, emphasizing that the EIR must contain all the elements required by CEQA and be a good faith and objective effort at full disclosure of impacts. He noted the EIR should be a legally adequate document that properly evaluates the project's potential impacts on the environment. He also noted that State law *recommends* this meeting, although it is not required. He clarified that the public review period began on January 27th, and will conclude at 5:00 p.m. on March 11, 2004. He encouraged comments from the public, either at this meeting or in writing prior to the deadline, and asked that written comments be forwarded to Ms. Ricci care of City of San Luis Obispo, Community Development Department, 990 Palm Street, San Luis Obispo, CA 93401.

Mr. Daulton provided an overview of what was analyzed in the EIR, discussed the main conclusions of the document, and explained the alternatives that were explored. He identified 11 environmental issue areas, noting that each issue area's potential was evaluated and attempts were made to reduce identified significant impacts to less than significant levels. He outlined the significant and unavoidable impacts of the project as follows, noting that no feasible mitigation measures were available to reduce these impacts below identified thresholds:

Drainage and Water Quality: The project would add paved and roofed areas and fill material that would increase runoff from the site. On-site impacts would increase floodwater surface elevations across the Dalidio property in Prefumo Creek and in San Luis Obispo Creek. The predicted increases in water surface elevations would be

above the significant threshold outlined in the San Luis Obispo Creek Waterway Management Plan Design Manual.

Air Quality: The project would also result in the emission of air pollutants, including ozone precursors and dust, primarily from vehicle emissions and road dust. Because emissions would exceed the Air Pollution Control District threshold, the project's operational impact is considered significant and unavoidable.

Noise: Traffic generated by the project would incrementally increase noise levels along local roads in the project vicinity. In certain locations, especially along Madonna Road west of Oceanaire, noise levels that currently exceed City standards would be worsened, which would be considered a significant and unavoidable impact since the only possible mitigation would be to make off-site improvements on private property, and that can't be assured.

Agricultural Resources: The project would permanently convert approximately 59 acres of prime agricultural land to commercial use and office/business park use. No feasible mitigation measures are available to reduce this impact to a less than significant level. It should be noted, however, that the project would retain approximately 58 acres of the site for continued agricultural use, and the applicant would fund an off-site conservation easement of 20 acres on prime agricultural soil.

Traffic and Circulation: The project would have significant and unavoidable impacts related to traffic in that project traffic would worsen and unacceptable congestion at the intersection of Madonna Road and Los Osos Valley Road would occur. Due to physical constraints adjacent to the intersection, there are no available mitigation measures that would fully mitigate that impact to a less than significant level. Project-generated traffic is also expected to worsen along the main line of Highway 101; eventually a third lane would be considered on the freeway mainline adjacent to the site to reduce cumulative traffic impacts. This would be a regional improvement that is beyond the scope of an individual development, and would require the cooperation of Caltrans, which can't be assured.

Also, under General Plan Buildout Conditions, the proposed site access along Dalidio Drive would result in delays and lengthy vehicle queues during peak periods unless traffic signals are installed at additional Dalidio Drive access intersections. The signals would be interconnected with the Prado Road interchange ramp signals, and access would be coordinated with the Post Office and SLO Promenade. Since cooperation with Caltrans, Post Office and SLO Promenade can't be assured, this would be a significant unavoidable impact.

Mr. Daulton summarized the seven Alternatives to the proposed project:

Alt. 1. A no project alternative. Evaluation of this alternative examines impacts if no development at all occurs on the site, which is required by CEQA.

Alt. 2. Continuance of the site in agricultural use alternative. This alternative differs from Alt. 1 only in that the City would annex the property and it would remain an agricultural use.

Alt. 3. Residential/Commercial retail mixed use alternative 1. This alternative includes 60 units of affordable housing in an area south of the proposed business park. This housing site would be located outside the airport noise nuisance area.

Alt. 4. Residential/Commercial retail mixed use alternative 2. This alternative also includes a mix of residential and commercial/retail, except the amount of commercial development would be reduced, the hotel would be eliminated, and a larger 180-unit senior housing complex would be built. This alternative represents the Land Use Plan evaluated in the April 2000 EIR for the previously proposed project on this site.

Alt. 5. A recreational use amenity alternative. This alternative is similar to Alt. 4 except it would add an Asian garden and concourse recreation area on seven acres of the proposed open space area.

Alt. 6. An alternate site project that incorporates the commercial component into a redeveloped SLO Promenade shopping mall. This alternative examines adding the proposed 635,000 sq. ft. of retail-commercial space directly to the existing 235,000 sq. ft. of commercial-retail space at the SLO Promenade. This would be accomplished by replacing the center's parking areas with additional stores and parking structures.

Alt. 7. An alternative that involves the same amount of development at the site, where the footprint of the commercial portion would be decreased. This would increase the intensity of development on the site by reducing the commercial footprint by 30%. The same amount of commercial development would occur but on less area of the site.

Mr. Daulton pointed out that CEQA requires an environmentally superior alternative be identified. He noted that the EIR concluded that Alternative 2 would be environmentally superior since it would result in fewer vehicle trips, reduced air emissions and noise levels, no increase on demand on City utilities, and would not convert agricultural lands to urban use. However, this alternative would result in greater overall water use than the project due to agricultural water demands, and this alternative would not fulfill the project objectives.

Mr. Daulton emphasized that all comments will be responded to and incorporated into the Final EIR. He explained that the EIR will be revised as necessary, and the Final EIR will be released in April. The public will then have additional opportunities to respond to the Final EIR in May or June.

COMMISSION COMMENT/QUESTIONS

Commr. Cooper had concerns with Alt. 5 in that he could understand the preservation of the historical grandstand, but questioned the soccer field and Asian garden.

PC-1

Mr. Daulton replied that the impetus was originally to preserve the racetrack and move it to a different portion of the site. The applicant then developed the idea to create other recreational uses around that.

PC-1
(cont'd)

Commr. Cooper questioned the open space allocation that was reduced from the previous project to 20 acres off-site. He asked from where would this land be purchased, and if it would be prime land that would be preserved anyway, or prime land that is at risk of being developed.

Economic Development Manager Stanwyck, negotiating team member, explained that the intention is that there be 24 acres of off-site open space acquired. On January 26, 2004, the City Council approved the concept that those acres would not be specifically identified, but that they would be in southern San Luis Obispo. She further explained that there are two open space projects currently being worked on by the City's Natural Resources Manager, and a dollar amount was established for the acreage at approximately \$8,000 per acre.

PC-2

Commr. Cooper asked what the Airport Land Use Commission's decision was regarding the appropriate land use for this site.

Planner Ricci indicated the ALUC looked at the conceptual plan to develop four acres of the site that are outside the airport safety zone and decibel limit area for residential uses, as illustrated in Alternative 3.

PC-3

Commr. Aiken had concerns with T7 and T8 impacts with regard to the widening of Highway 101 between Madonna Road and Los Osos Valley Road. He asked if cumulative impacts of Froom Ranch and Auto Park Mall build-outs are taken into account.

PC-4

Mr. Daulton responded that cumulative impacts from both Froom Ranch and Auto Park Mall build-outs were factored in to the assessment.

PUBLIC COMMENTS:

Mary Beth Schroeder, 2085 Wilding Lane, expressed opposition to any expansion and feared the loss of open space and agricultural land.

PC-5

Richard Kranzdorf, 160 Graves Street, asked if the benefits are worth the costs and suggested the Commission think beyond just the City of San Luis Obispo.

PC-6

Eugene Judd, 665 Leff Street, submitted a letter for the record and summarized its content. He suggested an 8th alternative: Change the land use to primarily residential with some low-cost housing, with the remainder as industrial park or office. He added that there is no need for shops here because of the two big box stores (one existing and one planned). He recommended that the project be developed so that no additional road connections for private vehicles are needed between Madonna Road and Higuera Street. He felt a landscaped bridge over the freeway for buses, bicycles, and pedestrians made sense – new urbanism. He explained how the vehicular trip

PC-7

generation could be reduced dramatically by changing the land use. He felt the concept of the whole project of Prado Road from Los Osos Valley Road to Broad Street has never been addressed in an EIR, nor discussed by the public as a whole concept, and felt this is unfair and violates CEQA.

PC-8

Michael Sullivan, San Luis Obispo, submitted a letter to the Commission prior to the meeting, and reiterated the information. He felt the amount of open space for the project (55%) does not meet the General Plan's 50% requirement. He opposed off-site open space to compensate for this inconsistency because outlying open space acquisition is a separate program and process. He did not feel it is appropriate for the Commission to be hearing this item prior to the close of the public review period, and suggested this item be deferred until the public review period has closed and comments have been received. He reported that the Draft EIR needs to include an analysis of the direct and indirect effects of the Prado Road Financing Plan because it will have impacts that need to be addressed under CEQA Guidelines 15064e. Additionally, he felt the alternatives analysis is deficient because there is no discussion on why the alternatives were rejected. Mr. Sullivan felt this is a segmentation of environmental analysis, which is not allowed under CEQA, and felt the proposal for the connector road that goes to Los Osos Valley Road has not been analyzed as part of this project, and should be analyzed because of the severe impacts.

PC-9

PC-10

PC-11

PC-12

Ilona Ing, 160 Graves Street, supported the possibility of a park-like alternative on the site. She also noted the severe traffic congestion on Los Osos Valley Road between Higuera Street and Madonna Road during the dinner hour (about 5:00 p.m.). She suggested a garden area rather than agriculture land because of the negative impacts vehicle emissions would have on vegetable crops so close to the road. She did not feel the proposed plan at this time is adequate for the needs of the city.

PC-13

PC-14

PC-15

PC-16

Brett Cross, 1217 Mariner's Cove, expressed concern with the cut-through traffic on Oceanaire Drive. He noted the EIR mentions a 200 second delay at the intersection of Madonna and Los Osos Valley Roads, and felt that a delay in excess of three minutes will cause the occurrence of right-turns onto Oceanaire to cut over to Los Osos Valley Road. He did not feel this mitigation measure is adequate. Mr. Cross voiced concern that other intersections along LOVR (Royal Way, Oceanaire, Vista del Lago) are never studied in EIRs. He also felt little attention is given to ingress and egress of Laguna Village Shopping Center, or the turning movements involved, both of which should be addressed in the EIR. He suggested internalizing the entrances off of Dalidio Drive. He also felt more study needs to occur regarding removal of trees. Finally, he questioned whether or not Madonna Road will be widened, and/or the creation of a turning pocket along Dalidio Drive.

PC-17

PC-18

PC-19

PC-20

PC-21

Bill Bird, applicant, announced his availability to answer questions of the public. He also noted the availability of qualified civil engineers from Cannon Associates to respond to questions regarding flood issues.

Jerry Moore, 289 Via La Paz, and ECOSLO Board member, expressed his feeling that growth is damage barely contained, and suggested the superior alternative is to leave the land alone. He felt the spirit of San Luis Obispo is its uniqueness. He felt that when

PC-22

you start to build outside your town, the town dies. He felt the Dalidio land is some of the finest agricultural land in the world, and once this land is damaged and covered up, it can never be reclaimed as agricultural land. He urged the Commission to not deface this paradise by approving another mall, but to make the entrance to San Luis Obispo a green welcome.

PC-22
(cont'd)

Ira Winn, 3346 Barranca Court, voiced his concern with the impossible traffic along Los Osos Valley Road and the destruction of prime farmland. He described the two ways to destroy a downtown: 1) clog it with traffic to the point where people don't like the smell and ambience, and 2) build malls at the edge of the city and suck the people out of the downtown. He felt the original Dalidio proposal was in some ways more appropriate because it included a more pedestrian orientation. He felt the closing of Quaglino's is only the beginning of what is to come. He suggested relocating the project to the Bank of America/Shell station area and partner with the multimodal traffic center. He did not support the Dalidio project at the proposed location.

PC-23

PC-24

Mike Cannon, Cannon Associates and applicant's representative, felt some clarification is needed on the drainage section of the EIR at Section 4.2 paragraphs 3 and 4. Based on the text, he did not feel that this could be construed as a Class 1 unavoidable impact because there are mitigation measures that can be employed. He noted the City is aware of several alternatives and questioned this Class 1 designation. He felt that paragraph 4 indicates a possible mitigation. He asked to review the calculations and modeling where the consultant concludes that there is a 3-inch increase in the 100-year water surface elevation at the SLO/Prefumo Creek confluence due to loss of floodplain storage and increased pervious surfaces. He felt there appears to be some contradictions in this section. He felt the cumulative impacts, and which projects contribute to those cumulative impacts, is very unclear. He also felt the report contains some errors either in how it is stated or how it is calculated. Page 14 – the published value of the amount of storage volume over the Dalidio property being 1.585 million cubic meters would put the water depth of the Dalidio property at 9 feet, which does not seem realistic. He felt his was either a misplaced decimal point or they misidentified the project area. He also noted that the proposed fill for the project is stipulated at 250,000 cubic meters, but it is erroneous to assume that the 250,000 cubic meters displaces water. He explained that the area of the project should be calculated and multiplied by 6 inches, which is the depth of the flow through the area, and results in roughly 28,000 cubic meters. He noted the large disparity in those numbers.

PC-25

Mr. Cannon expressed his belief that this project sits in a place in the watershed where the intention is to get the water off the site as quickly as possible so that it doesn't contribute to the overall peak flow generated by the upper Prefumo Creek watershed. He suggested that if all the watersheds were superimposed upon one another that should determine whether or not this project actually adds to the peak of those peak flows from the other watersheds. It was his contention that it does not, and asked to see the modeling to show how the consultants arrived at that conclusion.

David Albrecht, 1713 6th Street, Los Osos, asked the Commission to review an Article in the LA Times from last June entitled OC Builders Reach Their Final Frontier. He expressed his fear that some future reporter will take this article and substitute SLO

PC-26

County for Orange County, and it will represent this county. He asked the Commission to consider that SLO is different from Orange County and should remain that way. There were no further comments made from the public.

PC-26

COMMISSION COMMENTS:

In response to an earlier comment made by Michael Sullivan about the timing of the Draft EIR hearing, Planner Ricci felt that she should respond because it involved a procedural matter. She noted that the City typically holds a hearing on the Draft EIR prior to the end of the public review period so that more members of the public would be encouraged to participate and still have the opportunity to submit their written comments. She added that all of the comments received during the public review period would be part of the Final EIR, which the Planning Commission and City Council would consider in advance of reviewing project entitlements.

Commr. Loh noted for the record that the Commission had received letters from Richard Schmidt and Deborah Cash.

Commr. Cooper questioned page 2-17 Laguna Lake Park, and asked if the extension of the Laguna Lake Park extension outside the scope of the EIR, and why its impacts were not evaluated. He noted that one Alternative has active recreational (soccer field) and passive recreational (Asian garden), and was given -8 points. He felt there would be, at a minimum, passive recreational in the park extension, and therefore, some negative impacts as a result.

PC-27

Mr. Daulton responded that it is part of the proposed project, and part of the EIR. He explained that the CEQA-suggested + (plus) and - (minus) system in the table is not weighted, so the fact that one alternative is superior to the project is not to say that it is exceptionally superior to or inferior to the project. He offered to provide clarification in the Final EIR.

Commr. Cooper noted that page 4.1-15 talks about contamination from four hazardous materials released from the Texaco and Shell service stations, the PCE groundwater plume associated with two dry-cleaning operations, and LUST on the U-Haul property, indicating these could potentially migrate onto the project site and expose site construction workers to health hazards. He asked if that implies there might be problems with crop production.

PC-28

Mr. Daulton responded that it could be a possibility, but the language indicates the contamination *could* migrate, based on a map that is possibly outdated, although not characterized in any great level of detail. He noted this is why additional testing is recommended at the site.

Commr. Cooper reiterated the concern by Mr. Cannon that floodwater and drainage concerns could not be mitigated.

PC-29

Mr. Daulton noted he would discuss this with his technical consultants.

Commr. Cooper noted that page 4.3-11 discusses financial contributions to a bus retrofit program, but page 4.3-14 states, "the project does not involve a regional public transit improvement program" (TCMT-2b). He questioned if this is part of a regional public transit improvement program.

PC-30

Mr. Daulton responded that this would not be part of the project, but rather a mitigation measure imposed on the project, and would be a separate requirement. He agreed to look into this further.

Commr. Cooper pointed out that page 4.5-24 discusses mitigation by tree removal, and reminded the consultant that later in the report it is stated that these trees that are replaced are not only done on a 1:1 ratio but that they should be mature trees with a minimum 36-inch box size. He noted that page 4.6-2 discusses Mr. Dalidio's opinion about urban farming and its incompatibilities. The mitigation is to create a 100-foot buffer, but the report talks about a minimum 200-500 foot buffer. He questioned why the 100-foot buffer is discussed.

PC-31

Mr. Daulton responded that the Agriculture Commissioner's office typically applies ranges, and there are exceptions that go below 200-feet, however 200-500 is the most typical range. He noted this issue would be looked into and clarified.

Commr. Cooper referred to page 4.6-8 and asked if passive recreation could be seen as that kind of buffer. He noted the description states that "Agricultural buffers can include inhabitable structures, roadways, parking, landscaped areas . . ." although parks are not specifically mentioned.

PC-32

Mr. Daulton felt this was a good question and something that should be discussed with the County Agriculture Commissioner. He noted the buffers are intended to protect the public against agricultural dust and over-drift of pesticide spraying. He felt a passive use park versus an active use park might be a possibility.

Commr. Cooper noted that page 4.7-10 indicates that the ARC should address the issue of the 30% proposed building frontages, the front setback lines, incorporation of pedestrian gathering places, etc. He asked if this might be misdirecting the ARC or circling back to the previous project.

Planner Ricci responded that the ARC has conceptually reviewed the project, and it has been discussed that they will be looking at a revised site plan and project plans in the near future, for preliminary comments before the EIR is finalized. She emphasized that the ARC needs to review the retail types of uses that are intended, and that they are consistent with the City's Community Design Guidelines, and provide improvements and features that are expected of all projects.

PC-33

Commr. Cooper referred to page 4.9-7 which indicates the Laguna Race Track viewing stand was moved from its original location. He expressed his understanding earlier in the meeting that the viewing stand will be moved again, and asked if this is the case. He also noted that one of the reasons Alt. 3 a received low mark is because the soccer

PC-34

PC-35

field is right next to the riparian habitat. He felt that if the viewing stand were moved away from the riparian habitat, that alternative might not be so bad.

PC-35
(cont'd)

Mr. Daulton responded that moving it again is only an alternative.

Commr. Cooper questioned page 5-4 that states, "Office uses next to agriculture would be more compatible than residential." He asked if the logic is because residential uses are a 24-hour occupancy situation vs. an 8-hour occupancy for an office use.

PC-36

Mr. Daulton replied that his assumption is partially true, and added that office uses tend to involve more indoor activity, so there would be less potential for pesticide over-drift and those types of issues. He agreed with Commr. Cooper that a buffer is needed between the uses.

Commr. Cooper noted discussion on page 5-7 about the pedestrian route connection between the Promenade and the Marketplace. He noted the latest iteration (December 2003 – Figure 2-16) does not show any connection and asked if this has been deleted.

PC-37

Planner Ricci explained that the exhibits in the EIR are much more generalized, and more detailed project plans showing those connections are available.

Commr. Cooper noted that page 5-16 discusses incompatibilities from glare, proposed lighting, noise, increased traffic, and on-site uses such as loading activities. However there is no discussion of buffering with trees and berms. The mitigation is, "All commercial buildings will have an entrance onto the street, provide a continuous sidewalk from the street to the main entrance. The project shall provide explicit and clear pedestrian connections." He felt this might be the wrong mitigation.

PC-38

Mr. Daulton explained that often times the Land Use section focuses the other environmental issue area sections into a land use context. He believed reference is provided to the other sections where that mitigation is addressed.

Planner Ricci clarified that there are mitigation measures in both the Noise and Aesthetics sections that directly address the land use compatibility concerns.

Commr. Cooper referred to growth-Inducing Impacts on page 6-1, noting concern that bringing new employees into the area was not explicitly addressed. He cited that the text states "the proposed project is not growth inducing" which Commr. Cooper disagreed with because the General Plan land use designation would be changed from medium-high density to office, therefore bringing in new employees in, with no complement of housing. He brought up the issue of loss of business as a result of this project, and felt the 1999 transfer rate should be revisited.

PC-39

Economic Development Manager Stanwyck expressed her puzzlement by the comments made by the Downtown Association in the letter by Deborah Cash. She clarified that when the report came out in 2002, it was updated to address the changed market conditions that had occurred in the downtown, the most significant being the approval of the Copelands project. She noted that the addition of Macy's to the

PC-40

applicant's tenant mix was specifically analyzed in the Kotin Study. She added that study focused on what impact Macy's and the proposed development would have on the downtown with the conditions that exist today, and will exist when the construction of the Copelands project is complete. She felt there might have been some confusion because the 1999 study did not address those issues.

PC-40
(cont'd)

Commr. Cooper addressed page 6-3 regarding significant irreversible impacts, specifically prime agriculture land, and suggested the second-to-the-last paragraph be moved to the second paragraph under 6.2. He moved to page 7-4 and suggested clarifying the verbiage, although he agreed with the information. He suggested stating that the reason it is superior to Alt. 1 is because the runoff water situation will be mitigated. He disagreed with the noise impacts on page 7-8 of the Residential – Commercial mixed-use plan. Specifically, "severe noise from Highway 101" since it is upwind (not downwind) from Highway 101, and it is a great distance from Highway 101. He did not understand the increase in trip generation for that alternative, because the residential use is in close proximity to both commercial and business park uses. He felt that each of the alternatives should include a land use discussion.

PC-41

PC-42

PC-43

Commr. Cooper noted particular concern with page 7-17, suggesting the consultant rethink that alternative. He felt the soccer field or the viewing stand could be flip-flopped with the Asian garden, and become a more workable alternative. He did not feel a passive recreational activity (garden) would have a higher water demand than agriculture because you would be dealing with perennials vs. annuals. He noted that the table on page 4.8-7 that shows that parks have far less acre-foot requirements than does agriculture. He felt it would be helpful if page 7-23 identifies Alternative 3 as consistent with the ALUC recommendation or that Alternative 4 be identified as the previous project alternative.

PC-44

Commr. Boswell referred to Mitigation T-14-a on page ES-44, and expressed his feeling that this road should be looked at as a potential way to mitigate impacts at the Madonna/Los Osos Valley Road intersection. The language states, "If the collector street is ultimately extended to Los Osos Valley Road, preserve right-of-way and setbacks." He felt that this is backwards, that setbacks and right-of-way should be preserved in case the collector street is extended to Los Osos Valley Road. In addition the last sentence that states, "Development at the south end of the collector should not preclude extension of the roadway to LOVR." He suggested the mitigation should simply state that the right-of-way and appropriate setbacks should be preserved for the whole length of the corridor. He asked if the City-to-Sea bikeway would have an extension into this area; if so, it should be addressed. He addressed project phasing that states "construct the Prado Road interchange in phase one . . . The general retail development will be complete before completion of the interchange." Commr. Cooper felt the time period of how long it would take should be noted.

PC-45

PC-46

Planner Ricci clarified that the intention is that it would occur concurrently. She explained there may be some development that precedes the interchange being in place, but reiterated the design must be approved, the contract awarded, and the financing in place. She agreed that the sentence needs to be restated.

PC-47

Mr. Daulton expanded that the traffic consultant conducted a sensitivity analysis to determine at what scale of retail development that the Prado interchange would be necessary. He noted that this analysis had concluded that 100,000 square feet was the estimated threshold.

PC-47
(cont'd)

Commr. Boswell asked about the last line of the first paragraph on page 4.2-5 that discusses when each of the creeks reach their peak flow and their timing relationship, and asked if field evidence was gathered for the determination or if it was modeled. Page 4.2.13, third paragraph, last line discusses the computer model that was used to determine water surface elevations, and questioned the language that reads "consequently the split flow rates approximations are conservative and overestimate the flow."

PC-48

Mr. Daulton explained the approximations are conservative in that the assumptions result in a higher impact.

Commr. Boswell noted he was looking for some discussion of the groundwater potential at the site, particularly as it has potential for potable use in the future by the City, and wondered if there are any concerns or potential impacts to that groundwater from the urban development. He expressed that this information was not included in the document and felt it should be included.

PC-49

Mr. Daulton responded it was not included because potable water is not currently drawn from the site, and is not proposed as part of the project; therefore, it was concluded that it was not relevant to this project.

Commr. Boswell referred to Air Quality on page 4.3-14 that discusses how many new jobs would be created by the project. The document states ". . . but would not increase housing units in the city" and he felt it would increase the demand for housing in the city and felt a conversion number should be included that would clarify how many housing units would be needed to house 1600 new jobs. He also noted it might be located in the "growth inducing" section. Under the Aesthetic Section, he felt a map is needed to show the six different viewing locations that should contain road names and north arrows. He also felt a better visual simulation of the overpass is needed. He echoed the comment that the study area for transportation impacts is too small. In response to a request for clarification, he referred to figure 4.10-1 and felt it is fairly limited within the study area as it is defined, but he felt the study area is too small for a project of this scale. He felt that in looking at the traffic impacts and in making different assumptions about the presence or absence of Prado Road, the bulk of the traffic will be using those roads, but the analysis ends at Higuera Street.

PC-50

PC-51

PC-52

Mr. Daulton explained how trip distribution works; traffic is split at each intersection; the farther you get from the project site, the number of trips at each intersection is reduced and becomes negligible at a certain distance, creating a point of diminishing returns. He also noted another issue to take into consideration is that this is a regional-type destination center, so many of the trips will be on the main lines and major arterial streets rather than the neighborhood collector streets.

Commr. Boswell asked the consultant to review the policies in the Housing Element that discuss the jobs housing imbalance issue in the community, feeling the timing should be considered. He referred to page 5-7 that refers to General Plan Policy 3.7.10 that states the City will investigate ways to encourage more intense commercial development within and between existing shopping centers on Madonna Road. He felt that policy needs some discussion on how it might impact Alternative 6. He also noted the alternative numbering is confusing, and suggested, for example, "*recreational use amenity, Alternative 5.*" He questioned why the discussion of the Airport Area on 5-18 was not under the Hazard Section, and felt there should be more information, at least more maps, to clarify noise boundaries and hazard areas.

PC-53

PC-54

PC-55

Commr. Christianson asked for the definition of a sensitive receptor.

PC-56

Mr. Daulton defined it as those land uses that are most sensitive to (generally) noise impacts, such as hospitals, churches, and schools.

Commr. Christianson felt the drainage section was the most difficult section of the EIR to understand. She asked where the flight paths are and agreed that maps would be crucial. She was concerned about the trees in the Laguna Lake Park extension, expressing they are a local landmark and that page 2-17 states they will be preserved for that reason. However, the Biological Resources and Traffic Sections talk about removing or thinning the trees. She then asked that if the trees are proposed to be thinned, which trees will be removed. She asked for clarification on these issues.

PC-57

PC-58

PC-59

Commr. Aiken referred to LU-5 that notes the structures in the development would exceed the City's size limitations, although it is considered a impact that could be mitigated. He asked if the shopping center is being considered as a single building, and questioned how this was determined.

PC-60

Mr. Daulton explained it is being considered as individual structures, and that a couple of the buildings will exceed that allowable maximum square footage. However, a greater maximum is allowed with Planning Commissions approval, and this assumption is based on that assumption, with the absolute maximum being 140,000 square feet.

Commr. Aiken noted the Traffic Study does not address the proposed future connector road, and felt this was a conspicuous omission.

Mr. Daulton thought it was not included prominently is because it is not proposed as part of the project, but rather imposed as mitigation. He felt a more detailed analysis of the traffic implications of that road should be included in the final EIR.

PC-61

Deputy Director Bochum asked if the EIR is clear in identifying that point of connection to LOVR would take place at the new signal at From Ranch Way. He thought it was discussed in the document, but felt it might need to be clarified.

PC-62

Based on the Environmental Impact Report, Commr. Aiken felt the environmentally superior alternative is Alternative 2. He asked if the study includes potential impacts from traffic passing through San Luis Obispo to go to other shopping areas outside the

PC-63

city (i.e. Santa Maria and Santa Barbara), as well as shoppers going from SLO to those other areas as well.

PC-63
(cont'd)

Mr. Daulton felt quantitative statements are not included because so many assumptions need to be made to pin down trip origins and destinations, but qualitative statements are included. He agreed that this should be clarified in the document, qualitatively.

Deputy Director Bochum interjected that there is a model that forecasts those internal/internal, external/external trips, whether driving through SLO to Santa Maria or Santa Barbara to Fresno. He noted the modeling is based on historical trends; however the calibration is only as good as the updated information available. He explained the City is working with SLOCOG to develop a countywide model beyond the City model by taking data for other areas of the county and combining the sub-regions.

Commr. Loh felt a regional analysis should be included in the EIR analyzing the appropriateness of the land use for the site. She felt a comparison between noise and air contaminate emissions generated on the highway versus regionally with the project should be included. She asked if Questa Engineering had the report prepared by John Moss from several years earlier when they prepared the drainage study. She questioned why the report indicates certain alternatives would not be able to store all the water, and questioned why unpaved open space water storage would be limited. She had concerns with water quantity as well as quantity, which is not addressed in the report, and felt Appendix 1 in the Technical Report was confusing and needed to be analyzed. She referred to the Section on Internal Traffic, Figure 2-12, and expressed her concerns that the access to the business park from Madonna Road was inappropriate and the building orientation did not maximize energy efficiency. She also felt that seven alternatives are too many.

PC-64

PC-65

PC-66

Commr. Osborne asked if and when the response to the letters received as part of the Notice of Preparation (NOP) would be done.

PC-67

Mr. Daulton explained that no formal response is required by CEQA, and generally, the letters are incorporated into the text of the document.

Commr Osborne asked when the Planning Commission or any City body evaluates Prado Road as a whole.

Deputy Director Whisenand explained that Prado Road and Prado Road alignment have both been reviewed on numerous occasions at public meetings and adopted by the City Council.

PC-68

Deputy Director Bochum added that approximately 23 hearings have been held on the Prado Road alignment, and the City Council certified the negative declaration that included the area from the freeway to Johnson Avenue. However, he noted that the recommendations made by staff and implemented by Council only detailed out the area between Sacramento Drive and the freeway.

Commr. Osborne asked about using a well dedicated to the City for extracting groundwater from this area, and questioned the impact of subsidence as well as the analysis of this issue.

Mr. Daulton noted this may be a separate City project, not necessarily related to this project except that it is located on the same site. He felt this might be better handled in a separate environmental document as an entirely separate project.

Ms. Stanwyck interjected that the issue is not groundwater extraction. She noted the City currently has access to this aquifer at Auto Park Way. The focus during negotiations has not been on extraction but rather the application of recycled city water onto the property for agricultural or landscaping purposes. She added that by doing this, it would free up existing water supply in the City's system.

Andrew Merriam, Cannon Associates, explained that if there is going to be a well, studies would have to be conducted.

It was noted for the record that the previous 2001 EIR was not certified.

In response to a question from Commr. Osborne, Planner Ricci noted the three significant and unavoidable impacts in the earlier EIR were traffic, air quality, and loss of agricultural land.

Commr. Osborne pointed out a typo on page 4.1-9 PCE, noting it is not "petrochloroethylene" but rather "perchloroethylene". He referred to 4.8 Public Utilities, under Solid Waste, and asked if the EIR should consider the tons of solid waste materials that would be generated from the project once the stores are constructed.

It was clarified that this is covered on page 4.8-11.

Commr. Osborne referred to growth-inducing impacts, and asked if the 1994 Land use Element made the determination that the project is not considered growth-inducing.

Mr. Daulton responded yes, that is part of the argument.

Commr. Osborne expressed his confusion with page 6.3, second paragraph that starts with project implementation, next-to-the-last sentence that reads, "However, the increasingly efficient building fixtures and automobile engines would temper the increased demand to some degree." He questioned more efficient automobile engines.

Mr. Daulton noted that is a very broad statement that should possibly be stricken. He explained the idea is that technology has improved in relation to fuel efficiency, although that has not been the consumer trend lately. He clarified this is an extreme generality.

Commr. Osborne felt Alternative 6 should be developed more, given it does fulfill the project objectives and is clearly superior.

PC-69

PC-70

PC-71

PC-72

PC-73

PC-74

Commr. Loh felt this section of Highway 101 should be designated, along with Caltrans, as a scenic highway corridor. She also felt there should be a thick row trees creating a transitional space between the farmland and developed area. PC-75

COMMENT AND DISCUSSION:

2 **Staff:**

A. **Agenda Forecast:**

Ronald Whisenand presented an agenda forecast of upcoming meetings.

ADJOURNMENT:

With no further business before the Commission, the meeting adjourned at 10:15 p.m. to the next regular meeting scheduled for March 10, 2004, at 7:00 p.m. in Council Chamber.

Respectfully submitted by

Diane Stuart
Management Assistant

February 25, 2004 Public Hearing Responses

Response PC-1

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-2

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-3

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-4

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-5

The commentator states opinions regarding the conversion of agricultural land and open space. The Draft EIR states that impacts related to the loss of agriculturally-suitable land on the project site would be significant and unavoidable (Class I). In addition, mitigation is proposed to reduce aesthetic impacts to a less than significant level. Project approval would require the City to adopt a Statement of Overriding Considerations that states in writing the specific reasons to support the City's action based on the final EIR and/or other information in the record.

Response PC-6

The commentator expresses opinions regarding the overall costs and benefits of the project, and the area of potential project impacts. The comment does not address a specific environmental concern or other content in the Draft EIR. Therefore, no further response is possible. However, the comment will be considered by the City when making a decision on the project.

Response PC-7

The commentator suggests an additional alternative for the EIR that would include housing and an industrial park or offices and alternative circulation patterns. In the Draft EIR, seven alternatives were analyzed, including: (1) a no project alternative; (2) continuance of the site in agricultural use; (3) residential/ commercial retail mixed use alternative 1; (4) residential/ commercial retail mixed use alternative 2; (5) a recreational use amenity alternative; (6) an alternate site project that incorporates the commercial component into a redeveloped San Luis Obispo Promenade shopping mall; and (7) an alternative that involves the same amount of development at the site, where the footprint of the commercial portion would be decreased. This consideration of



alternatives meets the requirements of Section 15126.6(a) of the State CEQA Guidelines, which states that, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation." Inclusion of additional alternatives is left to the City's discretion; the comment has been forwarded to City decisionmakers for consideration. The inclusion of a bridge over Highway 101 for use by alternative transportation modes would potentially reduce the number of vehicle trips generated by the project, but would not provide the overall traffic circulation benefits of the proposed Prado Road overpass.
Response PC-8

The commentor states that opinion that there should be a comprehensive review of the Prado Road extension from Los Osos Valley Road to Broad Street. It should be noted that the project includes the construction of an interchange at Prado Road/Highway 101, but does not propose to extend Prado Road to the east.

The interchange and extension of Prado Road east of the site have been considered together consistent with CEQA in previous planning documents and environmental studies. An east-west connection between South Higuera Street and Route 227 has been formal City policy since the early 1960's, when it was included in the City's first General Plan. In this plan, the extension met Highway 227 at Hopkins Lane. Subsequent general plans (both Land Use and Circulation Elements) have also contained an extension of Prado Road and an interchange at Prado Road/Highway 101. Traffic models involving the Prado Road extension have assumed the interchange since the late 1980's. In addition, several environmental studies have been completed for the Prado Road extension, including studies prepared for the 1994 Land Use and Circulation Elements, the 2000 amendment to the Circulation Element that adopted the current alignment, and the EIR for the Airport Area and Margarita Area Specific Plans. Information from the adopted Mitigated Negative Declaration (MND) for the Damon-Garcia Sports Fields has also been considered in future roadway plans.

The Master EIR that was certified for the 1994 Land Use and Circulation Element update analyzed three potential alignments for the extended roadway. In February 2000, the City Council adopted the current alignment for the extension of Prado Road. In completing the Circulation Element amendment, an environmental study for the current alignment and the Prado Road/Highway 101 interchange was completed and accepted by the Planning Commission and City Council.

CEQA requires additional environmental review if a project or environmental conditions in the project area substantially change before construction. To date, the project description for the Prado Road alignment and interchange has not changed substantially since the year 2000. Studies completed with the proposed project and the Margarita Area Specific Plan confirm this.

Although the interchange location and capacity are not changing from previous assumptions, supplemental analysis of design impacts is provided in this EIR. Considering such supplemental information for the interchange is not considered "segmenting" the review of the whole, because the whole extension has already been considered and approved. Information available for the



Prado Road extension and interchange since the year 2000 does not provide any new evidence of a significant impact that has not been considered during previous environmental approvals.

Response PC-9

The commentor states the opinion that the open space mitigation does not meet General Plan requirements. With development of the project, the City will obtain an open space easement over 58.67 acres of the Dalidio property. About 50 acres of that open space includes prime agricultural soils. In addition, the project applicant proposes to fund off-site conservation easement of 20 acres of prime agricultural soils. General Plan Land Use Element Policy 1.8.2 states, "Development of prime agricultural land may be permitted, if the development contributes to the protection of agricultural land in the urban reserve or greenbelt." This policy identifies several methods to achieve this, including securing for the City open space easements or fee ownership with deed restrictions, and helping to directly fund the acquisition of fee ownership or open space easements by the City. Since the project would fund an off-site easement that would protect 20 acres of prime agricultural soils, the project would be consistent with General Plan Land Use Policy 1.8.2.

Response PC-10

The commentor states the opinion that the hearing should not be held until after the close of the Draft EIR public review period. The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-11

The commentor states the opinion that the Draft EIR did not comply with CEQA Guidelines Section 15064e. The referenced section of this State CEQA Guidelines states: "Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect."

The focus of any economic or social effect analysis must be on tracing the chain of cause and effect from the project to physical changes in the environment. Sales tax and TIF revenues from the project would be greater than without the project. Therefore, the project would result in a net increase in transportation funding, and an associated net increase in transportation improvements, when compared to existing conditions. Notwithstanding, the infrastructure costs of the Prado Road interchange will be apportioned according to benefit share. At this time, the developer of this project has an estimated share of 52%, the Citywide benefit is



estimated to be 30% and the future benefiting properties of 18%. Each of the benefiting properties will be financially responsible for their share.

Response PC-12

The commentator states the opinion that the alternatives analysis should include a discussion of why the alternatives were rejected. Section 15126.6(d) requires that the EIR “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” An unbiased analysis of the pros and cons of each alternative, from an environmental standpoint, have been provided to aid decision makers.

A discussion of the reasons alternatives could be rejected is provided in Section 7.0, *Alternatives*, of the Draft EIR. Alternatives 3 and 5 were considered to be environmentally inferior to the proposed project. Alternatives 1 and 2 would not achieve the project objectives, including providing for the expansion of commercial development in the Madonna Road Area, increasing the City’s retail sales tax base, and providing the Prado Road interchange. Alternative 4 is only slightly environmentally superior to the proposed project, and would not satisfy the project objectives regarding the provision of commercial development and retail sales tax to the same extent as the proposed project. Alternative 6 is potentially inconsistent with the 1973 Airport Land Use Plan (ALUP) because it would result in a high concentration of shoppers in overflight zones, where land uses are restricted. It may be infeasible from a land use policy consistency standpoint without the adoption of an ALUP amendment. The final decision regarding the acceptability of the project alternatives will be made by the City Planning Commission and City Council.

The collector road to LOVR is evaluated throughout the Draft EIR, most specifically in impact and mitigation T-14 in Section 4.10, *Traffic and Circulation*. Therefore, the EIR does not segment the environmental evaluation of the LOVR collector road and the proposed project.

Response PC-13

The commentator suggests that a park-like alternative for the site be considered. Refer to Response PC-7.

Response PC-14

The commentator states the opinion that the existing traffic levels on Los Osos Valley Road (LOVR) between Higuera and Madonna Roads result in congestion during the evening commute period. The Draft EIR states that current Levels of Service (LOS) at intersections on LOVR are between A and C with LOS F for the left turning movement from Auto Park Way onto LOVR. The City of San Luis Obispo will make the final determination on the need for a signal at this location. With the project the LOS projections indicate that the intersection of LOVR and Madonna Road will operate at LOS F even with mitigation incorporated (Class I, significant and unavoidable impact). Project approval would require the City to adopt a Statement of Overriding Considerations that states in writing the specific reasons to support the City’s action based on the final EIR and/or other information in the record.



Response PC-15

The commentor suggests that the site should be used for gardens rather than vegetable farming because of impacts from vehicle emissions on existing crops. Vehicular air contaminants generally affect air basins in a regional manner and are most effectively evaluated on a regional basin-wide basis. The relatively minor amount of localized air contaminants generated by the project during construction and operations would not be expected to significantly affect the agricultural productivity of the on-site farmlands.

Response PC-16

The commentor states the opinion that the project is not adequate. The opinion has been heard by the Planning Commission, but does not relate to a specific environmental concern. No further response is necessary.

Response PC-17

The commentor states the opinion that cut-through traffic on Oceanaire is likely and the mitigation measure recommended in the EIR is not adequate. Impacts to neighborhood traffic in the Oceanaire Drive area north of Madonna Road were identified and evaluated in the Draft EIR (see Impact T-12, page 4.10-49), and the study acknowledged the potential for traffic diversion onto Oceanaire Drive. The proposed mitigation measure includes the possible implementation of neighborhood traffic management measures to address the problem of “cut-through” traffic, as needed. The recommended mitigation measures would reduce traffic impacts on Oceanaire Drive.

Response PC-18

The commentor states that other intersections on LOVR (Royal, Oceanaire, Vista del Lago) are not studied in the EIR. The study intersections evaluated in Section 4.10, *Traffic and Circulation*, of the Draft EIR were selected in consultation with City of San Luis Obispo staff. Analysis locations were focused on intersections with concentrations of project traffic, which in this case is the intersection of Madonna Road and Los Osos Valley Road. The potential effect of the project on circulation in this area of the City is also addressed by the analysis of neighborhood impacts to Oceanaire Drive and the corresponding mitigation to fund a traffic monitoring study.

Response PC-19

The commentor states the opinion that the EIR should describe project impacts related to ingress and egress and turning movements of the Laguna Village Shopping Center. The commentor also suggests that the entrances off Dalidio Drive should be internalized. The operations of driveways, unless they are located immediately adjacent to the project site, are not typically analyzed in detail for development projects. The operations of the driveways at the Laguna Village Shopping Center are incorporated into the roadway segment analyses for Madonna Road and Los Osos Valley Road.



Response PC-20

The commentor requests more study regarding the removal of trees associated with the project. Widening of Madonna Road and site development would necessitate the removal of some healthy trees. At least 60% of the trees would be preserved in place, in particular those which are healthy or standing in windrows. As described in Mitigation Measure BIO-2(a), with the submittal of a precise development plan for the project, the developer shall submit plans for review by the City Arborist and for eventual review and approval by the Architectural Review Commission. Removed trees must be replaced at a minimum ratio of 1:1. Refer to Responses 17D and 17F for additional information regarding tree removal.

Response PC-21

The commentor questions whether Madonna will be widened and/or whether a turning pocket along Dalidio Drive will be created. The turn pockets being created on Dalidio Drive are for the new collector street intersection and for the new signalized project driveway access, in addition to the pockets at the interchange.

Response PC-22

The commentor states the opinion that leaving the site undeveloped in the environmentally superior alternative. As described in Section 7.0, *Alternatives*, of the Draft EIR, in accordance with State CEQA Guidelines, if the No Project Alternative is identified as the Environmentally Superior Alternative, the alternative among the remaining alternatives that is environmentally superior is also identified. Among the alternatives, the Continuing Agricultural Use Alternative (Alternative 2) is considered environmentally superior overall. This alternative would result in fewer vehicle trips, reduced air emission and noise levels, and no increase in demand on City utilities. However, this alternative would result in continued groundwater demand and greater overall water use when compared to the proposed project.

It should be noted that since the project is surrounded on all sides by existing urban development, it would be considered an infill development project.

The impacts of the project on agricultural resources are described in detail in Section 4.6, *Agricultural Resources*, of the Draft EIR.

Response PC-23

The commentor states the opinion that the project would result in traffic and agricultural resource impacts. The Draft EIR identifies Class I, significant and unavoidable impacts, for both traffic and agricultural impacts. Project approval would require the City to adopt a Statement of Overriding Considerations that states in writing the specific reasons to support the City's action based on the final EIR and/or other information in the record.

Response PC-24

The commentor states the opinion that the project would result in adverse impacts on downtown. Refer to Economic Development Manager Stanwyck's public comment regarding the project's



downtown impacts (Comment QQ). Refer also to the discussion on page 5-6 in Section 5.0, *Land Use*, of the Draft EIR, which states: “An independent economic analysis was conducted by Allan D. Kotin and Associates (ADKA; ‘Fiscal Impact of Proposed San Luis Marketplace and Implications for Downtown Retail Activity’, October 25, 2002) to evaluate whether the project will transfer sales from existing retail areas in the City and whether the proposed uses could be developed in existing retail areas. According to this report, the proposed project would have ‘minimal or only modest detrimental impact on retailing in downtown’ San Luis Obispo.”

The commentor suggests an alternative project site. The consideration of alternatives presented in Section 7.0, *Alternatives*, of the Draft EIR meets the requirements of Section 15126.6(a) of the State CEQA Guidelines, which states that, “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation.” In addition, as noted in Section 7.0, *Alternatives*, of the Draft EIR, based on discussions between the applicant and City staff, an alternative project site is not evaluated in this EIR because the project site is large enough to accommodate changes that might result from the implementation of any of the project alternatives. In addition, no other comparable site is available to the applicant where the project objectives, including the provision of commercial uses, retail uses (including a hotel), business/office park, open space preservation, could be accomplished. The site is also uniquely situated adjacent to the San Luis Obispo Promenade shopping center. Inclusion of additional alternatives is left to the City’s discretion; the comment has been forwarded to City decisionmakers for consideration.

Response PC-25

A supplemental “San Luis Marketplace Hydrologic Analysis” prepared by Questa Engineering Corporation (March 17, 2004) is attached to this Final EIR. As described therein, Questa completed a detailed review of the project hydrologic model incorporated into the Draft EIR as Appendix B and described in Section 4.2, *Drainage and Water Quality*. Questa determined that there was a data input error into the existing San Luis Obispo Creek watershed hydrologic model. With the correct 100-year starting storage water surface elevation in Laguna Lake under existing conditions, the difference in predicted downstream discharge rates in Prefumo and San Luis Obispo Creeks becomes minor. Water surface elevations downstream of the project site also would not increase significantly. Thus, even after accounting for increased impervious surface area and loss of floodplain storage, discharge rates and water surface elevations would not significantly increase downstream of the project site.

The low magnitude of the predicted increase in 100-year peak flow rate shows that buildout of the watershed would not substantially increase runoff rates in Prefumo Creek, primarily because the watershed above Laguna Lake contributes so much of the flow in Prefumo Creek (as compared to the lower Prefumo watershed below the Lake), and secondarily because the soils in the watershed are clayey. The soils have high runoff rates when fully saturated, such as during a 10-year or larger storm, and conversion to urban land use does not result in especially large increases in runoff rates.



Floodplain storage was modeled in the HEC-HMS watershed model by approximating the *entire lower Prefumo subbasin* as a reservoir. A total existing storage volume over the entire lower Prefumo subbasin was estimated to be 1,585,700 cubic meters. The proposed fill volume for the project of 250,700 cubic meters comprises roughly 15% of the total existing storage volume. The modeled decrease in floodplain storage volume is not enough to significantly impact downstream discharge rates or water surface elevations. This is most likely due to the fact that proposed fill does not begin until approximately 38 meters elevation, outside of the area encompassed by Prefumo Creek backwater flooding.

It should be noted that those hydraulic impacts predicted for both a) San Luis Obispo Creek downstream of the Prado Road Interchange and b) over the developed Dalidio Property are not affected by this change in the Prefumo Creek watershed hydrologic model. Separate hydrologic and hydraulic models were used to model impacts of loss of floodplain storage and increased impervious area over the Dalidio Property on downstream 100-year peak flow rates and water surface elevations. The Laguna Lake detention has no impact on water surface elevations over the Dalidio Property resulting from Highway 101 split flows or water surface elevations in San Luis Obispo Creek above its confluence with Prefumo Creek.

Impact and Mitigation Measure DW-1, on pages 4.2-14 to 4.2-17 of the Draft EIR, have been revised as described in Section 2 of this Final EIR.

Response PC-26

The commentor states the opinion that San Luis Obispo should remain different from Orange County. Since the comment does not relate specifically to an environmental issue, no further response is necessary. However, the comment has been heard by the Planning Commission and noted.

Response PC-27

A partial response was provided during the hearing, as reflected in the public hearing minutes. As an additional point of clarification, it should be noted that the Recreational Use Amenity Alternative would also include the Laguna Lake Park extension. Therefore, impacts related to the recreational uses on the site with this alternative would be in addition to those associated with the Laguna Lake Park extension, as described for the proposed project.

Response PC-28

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-29

Refer to Response PC-25.



Response PC-30

The commentor requests clarification whether the project includes a regional public transit improvement program. A regional public transit improvement program is not a proposed component of the project. However, to mitigate for air quality impacts, mitigation measure AQ-2(c) requires that the applicant consult with the San Luis Obispo Air Pollution Control District (SLOAPCD) in making financial contributions to regional efforts to improve air quality, as recommended in the SLOAPCD CEQA Air Quality Handbook. The SLOAPCD program would be considered a regional public transit improvement program.

Response PC-31

The commentor requests that mitigation measure BIO-1(f) be clarified to include the size of the trees to be planted. Mitigation measure BIO-1(f) states that “trees removed for project development shall be replaced at a ratio of at least 1:1 and of a height to shield on-site Monarch butterfly wintering sites and sensitive avian nesting habitat. In addition to review by the City Arborist, a qualified biologist shall review the replacement plan. Evergreen trees shall be selected that reach a height capable of forming a suitable windbreak, as determined by a qualified biologist.” Unlike mitigation measure AES-1(a) which calls for 36-inch box size trees to be used to screen the development from views, mitigation measure BIO-1(f) refers to trees replaced as a result on thinning near nesting sites identified in Figure 4.5-3 of the Draft EIR. A tree replacement plan will be reviewed by the City Arborist and a qualified biologist to ensure that the size and maturity of the trees are adequate to serve as a windbreak.

The commentor requests clarification regarding the 100-foot agricultural buffer at the site, in comparison to the minimum 200-500 foot buffer suggested by the Agriculture Commissioner’s office. As described in the Section 4.6, *Agricultural Resources*, of the Draft EIR and reiterated by comment 15D, the County Agricultural Commissioner recommends a minimum 200 foot buffer between agricultural and urban uses. Agricultural buffers can include non-habitable structures, roadways, parking, landscaped areas, and non-habitable buildings. The proposed commercial buildings along the southwestern portion of the proposed commercial area would act as a buffer if the building entrance faces the parking lot and any rear entrances are only for shipping and receiving. With this commercial buffering, a 100-foot agricultural buffer, as specified in Mitigation Measure AQ-2(a) is considered to be adequate to reduce land use impacts related to agricultural operations to a less than significant level.

Response PC-32

Passive recreational uses are not identified by the County Agricultural Commissioner’s office as being an appropriate or inappropriate use within an agricultural buffer. However, potential dust, noise, and pesticide overspray associated with agricultural operations would create a potential land use incompatibility between agricultural and passive park uses.

Response PC-33

The comment was addressed during the hearing. A response is provided in the public hearing minutes.



Response PC-34

Alternative 3, the Recreational Use Amenity alternative, includes moving the Laguna Race Track viewing stand back to its original general location.

Response PC-35

The commentor suggests revising Alternative 5, Recreational Use Amenity Alternative, to further mitigate potential environmental impacts. Constructing the concourse/recreation area would increase disturbance and activity levels near sensitive biological resources areas associated with Prefumo Creek when compared to the proposed project. As the commentor suggests, placing the soccer fields a greater distance from Prefumo Creek would reduce these biological resources impacts. Nevertheless, because of the greater ground disturbance when compared to the proposed project, this alternative is considered inferior to the proposed project from a biological perspective. Refer to Response PC-7 for a discussion of alternatives analysis required in the EIR.

Response PC-36

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-37

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-38

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-39

The commentor suggests that growth inducing impacts may be created by the project because it will bring employees into the area who will then seek housing. The proposed project does not include a residential component. Alternative 3, Residential/Commercial Mixed Use Plan 1, and Alternative 4, Residential/Retail Mixed-Use Plan 2, were included to evaluate the environmental impacts of a project that includes housing.

As stated on page 4.3-14, in Section 4.3, *Air Quality*, of the Draft EIR, the project would create about 1,666 new jobs (using a factor of 500 building square feet per worker for commercial and office/business park uses), but would not increase housing units in the City. Therefore, the project would contribute to the City's jobs-housing imbalance.

The following paragraph has been added after the last paragraph on Page 6-1, in Section 6.1, *Growth Inducing Impacts*, of the Draft EIR:



“The proposed commercial and business park uses would generate approximately 1,666 new jobs. Using an average household size of 2.27 persons per household (U.S. Census 2000), this job creation would result in the need for 734 housing units. Although some jobs would likely be filled by current residents of the City of San Luis Obispo, many of the new job opportunities would likely be filled by people relocating to the area. In this way, the proposed project may indirectly generate population growth in the area. The number of relocatees and the location in which they would reside cannot be predicted with any certainty, but it is likely that the proposed project would contribute to housing demand in the City. This could increase pressure for additional housing development and/or tend to drive up housing prices.”

Response PC-40

The commentor suggests that the transfer rate in the 1999 financial study completed for the project be revisited. The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-41

The editorial change has been made. Refer to Section 2.0 of this Final EIR.

Response PC-42

Page 7-4, first full paragraph, has been revised as follows:

“However, the Agriculture zoning would more effectively earmark the site for continued agricultural uses, rather than other "open space" uses on the site, such as parks. In addition, with the annexation of the site under this alternative, the City would be able to oversee improvements to existing deficient storm drainage conditions on the site.”

Response PC-43

Page 7-8, third full paragraph, has been revised as follows:

~~“Additionally, the residential units under this alternative could be exposed to severe noise from U.S. Highway 101. Therefore, this alternative is considered inferior to the proposed project from a noise perspective.”~~

Trip generation is greater under the Residential/Commercial Mixed Use Plan because it would include 60 units of housing in addition to the uses contemplated with the proposed project.

It should be noted that Section 5.0, *Land Use*, of the Draft EIR is considered separate from the subsections of Section 4.0, *Environmental Impact Analysis*, because the land use discussion refocuses environmental impacts previously described in the environmental impact analysis into a land use context. Land use issues directly related to air quality, noise, aesthetics, and agricultural resources are discussed in the respective issue analysis sections in the EIR, as well as the Alternatives section of the EIR.



The EIR content requirements described by CEQA do not include a discussion of the project's General Plan consistency. Consideration of General Plan consistency is only required when choosing the range of alternatives to be analyzed. Alternatives considered must be limited to those that, "could feasibly attain most of the basic objectives of the project" (§ 15126.6(f)) and one factor that must be taken into account when addressing the feasibility of alternatives is General Plan consistency (§15126.6(f)(1)). As stated in the Draft EIR, "some alternatives may require land use regulatory modification, but this alone is not considered reason enough to make them infeasible" (p. 7-1). The Draft EIR meets the requirements of CEQA with regard to consideration of the project's consistency with the General Plan.

Response PC-44

Refer to Response PC-35. The commentor suggests that the garden use would have a higher water demand than agriculture. Alternative 5, Recreational Use Amenity, includes 2.5 acres of asian gardens and a soccer field with viewing stands. Depending on the type of planting that occurs in the garden area it is likely that it will have a lesser water demand than agriculture but the soccer field that is included in this alternative will require irrigation, an activity with similar water demand as agriculture.

Page 7-17, fifth full paragraph, has been revised as follows:

"Public Utilities. This alternative would result in similar land use types as in the proposed project, but would add recreational amenities, including a 2.5 acre garden area **and a soccer field. Depending on the type of plants in the garden it will likely have a lesser water demand than agriculture but the soccer field will require irrigation which has a similar water demand as agriculture that will increase water demand.** In addition, the concourse area may require restroom facilities that would increase wastewater discharges. Therefore, this

alternative would result in increased impacts to water and wastewater service and is considered *inferior* to the proposed project."

Response PC-45

Page 4.10-57, Mitigation Measure T-14(a) has been revised as follows:

- "T-14(a) Construct the proposed collector street from Dalidio Drive to the south edge of the property as a two-lane roadway with sidewalks. ~~If the collector street is ultimately extended to LOVR,~~ Preserve right-of-way and setbacks **on-site** to accommodate a ~~three-lane two-lane~~ roadway with a center two-way left-turn lane, sidewalks and bicycle lanes in both directions from the south edge of the property to LOVR. The project will be responsible for bonding **or other appropriate security for** ~~of~~ roadway improvements not constructed as part of initial project development. ~~Development at the south end of the collector street should not preclude extension of the roadway to LOVR as a three-lane facility with median, sidewalks and bicycle lanes.~~"



Response PC-46

The commentor requests clarification as to whether the City-to-Sea bikeway will be extended onto this site. The Bob Jones City-to-Sea Trail is planned to be located along the northern side of Prefumo Creek on the southern portion of the site and continue north cutting across the site between the proposed main business park area to the west and the proposed commercial area to the east. The site design of the project allows for the trail to be constructed along a logical access corridor and will not prevent the extension of the trail through the site.

Response PC-47

Page 2-29, Phase I item 6, has been revised as follows:

“6. Construct the Prado Road interchange in Phase 1. **Construction of the retail and hotel portion of the project cannot begin until the design has been approved for the Prado Road interchange, the contract for the construction of the facility has been awarded, and funding for the interchange has been secured.** ~~general retail will be complete before completion of the interchange.~~”

Response PC-48

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-49

The comment was addressed during the hearing. A response is provided in the public hearing minutes. Refer also to Response 9D regarding water rights.

Response PC-50

Refer to Response PC-39.

Response PC-51

A figure depicting the viewpoints for the referenced views has been added to the EIR. Refer to Section 2.0 of this Final EIR.

Response PC-52

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-53

General Plan Policy 3.7.10 requires the City to “investigate ways to encourage more intense commercial development within, and more cohesion between, the existing shopping centers on Madonna Road.” The addition of Alternative 6 *Incorporation of the commercial component into the*



San Luis Obispo Promenade Shopping Center is intended to fulfill this requirement. Alternative 6 was found to be superior to the proposed project because it would reduce impacts on all categories except geology, biological resources, and utilities. However, this alternative is potentially inconsistent with the 1973 Airport Land Use Plan because it would result in a high concentration of shoppers in overflight zones.

Response PC-54

Refer to Response 8W.

Response PC-55

The focus of Section 4.1 is on Geologic Hazards. The discussion of the project's compliance with the Airport Land Use Plan was placed in the Land Use Section. The Airport Land Use Designations are based on safety and noise factors. Additional maps are included in Section 2.0 of this Final EIR.

Response PC-56

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-57

The comment is noted. Refer to Response PC-25 for additional discussion regarding project drainage impacts.

Response PC-58

Refer to Response PC-55

Response PC-59

Phase II of the project, which consists of the Business Park development, includes development in the area that currently contains eucalyptus trees shielding views of the site from Madonna Road. Information regarding this phase of the project is currently at a conceptual design level. Therefore, specific details that would identify which trees will need to be removed are not available. Mitigation for biological impacts require that surveys be conducted that identify which trees must remain for habitat purposes. The project will be required to comply with the identified mitigation measures that reduce impacts to biological resources and aesthetics to a less than significant level.

Response PC-60

The comment was addressed during the hearing. A response is provided in the public hearing minutes.



Response PC-61

The comment is referred to impact and mitigation T-14 in Section 4.10, *Traffic and Circulation*, of the Draft EIR, wherein the collector road to LOVR is described in detail.

Response PC-62

Page 4.10-55, third full paragraph, has been revised as follows:

“The project description indicates that that the new collector street could be extended south to intersect with Los Osos Valley Road, providing an alternative to Madonna Road between Dalidio Drive and LOVR. **The collector road would connect to LOVR at the existing, recently installed traffic signal at From Ranch Way.**”

Response PC-63

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-64

As described in Section 4.10, *Traffic and Circulation*, of the Draft EIR, Highway 101 carries substantially more traffic than any other roadway in the study area. The segment of Highway 101 adjacent to the project site currently carries approximately 25,000 vehicle trips per day. By comparison, the proposed project would generate a total of 20,956 average daily vehicle trips, distributed over the entire study area roadway network. Therefore, vehicle operations on Highway 101 would generate substantially greater levels of air contaminants and noise than trips generated by the proposed project.

Response PC-65

Questa Engineering evaluated all relevant technical drainage studies previously prepared for the project area. Based on the drainage characteristics of the project area, the drainage study indicated that flooding impacts could most effectively be minimized by expediting flows off-site rather than storing runoff on-site.

Response PC-66

As identified in mitigation measure AQ-2(a), in Section 4.3, *Air Quality*, of the Draft EIR, the applicant will be required to increase building energy efficiency ratings by at least 10% above what is required by Title 24 requirements. Potential energy consumption reduction measures include, but are not limited to, increasing attic, wall, or floor insulation, the use of photovoltaic roof tiles, installation of energy efficient windows, and the use of R-45 insulation in the roof/attic space of all on-site structures. In addition, as stated in mitigation measure AQ-2(b), shade trees shall be planted to shade on-site structures to the greatest extent possible in summer, decreasing indoor temperatures, and reducing energy demand for air conditioning. Project impacts related to internal circulation are described in Section 4.10, *Traffic and Circulation*, of the Draft EIR.



Response PC-67

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-68

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-69

The commentator states the opinion that the proposed project could hinder future City efforts to pump groundwater from the project area, due to ground subsidence concerns. Since the project would replace a portion of the existing irrigated farmland on the site with urban development that would use existing City water supplies rather than groundwater in the project area, the project will facilitate the City having improved yield from the basin with a net zero impact to the waters in the basin. With a net zero impact to groundwater basin with the project, no subsidence would result from groundwater pumping in the project area. In addition, as described in impact and mitigation G-5 in Section 4.1, *Geology/Hazards*, of the Draft EIR, the Site Geotechnical Investigation required for the project shall include soil parameter analyses to determine the potential for subsidence at the project site. If the potential for subsidence is found to be significant, then structural and grading engineering measures shall be implemented to incorporate the results of the geotechnical study. These measures would be similar to those recommended to mitigate impacts to soil settlement. Therefore, not proceeding with the project does not enhance the City's ability to pump groundwater in the project area and in fact may reduce or limit the City's future potential yield from groundwater.

Refer also to Response 9D.

Response PC-70

Page 4.1-7, first full paragraph, has been revised as follows:

“An extensive ~~petro-chloroethylene~~ **perchloroethylene** (PCE) plume created by two dry cleaning businesses is located within the Dalidio property and Prado Road interchange improvements area (refer to Figure 4.1-2).”

Table 4.1-1 on page 4.1-9, has been revised as follows:

“A ~~petro-chloroethylene~~ **perchloroethylene** (PCE) plume created by two dry cleaning businesses is located within the project area. Groundwater is approximately 20 feet bgs in the project area.”

Response PC-71

The comment was addressed during the hearing. A response is provided in the public hearing minutes.



Response PC-72

The comment was addressed during the hearing. A response is provided in the public hearing minutes.

Response PC-73

Page 6-3, second full paragraph, has been revised as follows:

“The increased employment base generated by the project would irreversibly increase the demand for finite energy resources such as petroleum and natural gas. However, the increasingly efficient building fixtures and automobile engines would temper the increased demand to some degree.”

Response PC-74

In the Draft EIR, seven alternatives were analyzed. Alternatives analyzed herein include: (1) a no project alternative; (2) continuance of the site in agricultural use; (3) residential/ commercial retail mixed use alternative 1; (4) residential/ commercial retail mixed use alternative 2; (5) a recreational use amenity alternative; (6) an alternate site project that incorporates the commercial component into a redeveloped San Luis Obispo Promenade shopping mall; and (7) an alternative that involves the same amount of development at the site, where the footprint of the commercial portion would be decreased. This consideration of alternatives meets the requirements of Section 15126.6(a) of the State CEQA Guidelines, which requires that the EIR examine a range of reasonable alternatives to the proposed project that could "feasibly attain most of the objectives of the proposed project, but would avoid or substantially lessen significant effects of the project and evaluates the comparative merits of the alternative." Alternative 6, Incorporation of the commercial Component into the San Luis Obispo Promenade Shopping Center, is found to be superior to the proposed project but not the overall superior alternative because of impacts to geology, biological resources, and utilities. It should be noted that Alternative 6 is potentially inconsistent with the 1973 Airport Land Use Plan (ALUP) because it would result in a high concentration of shoppers in overflight zones, where land uses are restricted. It may be infeasible from a land use policy consistency standpoint without the adoption of an ALUP amendment. Alternative 6 would partially fulfill the objectives in that it would provide additional commercial development within the City.

Response PC-75

The commentor's opinion regarding the scenic designation of the highway and the project is noted. It should be noted that the section of Highway 101 adjacent to the project site is not a designated County or federal scenic highway. However, the highway is considered eligible for scenic listing status by Caltrans, and the City General Plan identifies the highway corridor as being of high to moderate scenic value. Provision of a thick row of trees between the on-site farmland and proposed development area would reduce land use incompatibility impacts by reducing aesthetic, noise, and odor impacts related to typical agricultural operations.



4.0 WRITTEN COMMENTS and RESPONSES on the DRAFT EIR

Each written comment regarding the Draft EIR that the City of San Luis Obispo received is included in this section (refer to Table CR-1). Responses to these comments have been prepared to address the environmental concerns raised by the commentors and to indicate where and how the EIR addresses pertinent environmental issues. The comment letters regarding the Draft EIR and included herein were submitted by public agencies and private citizens. The comment letters have been numbered sequentially, and each issue within a comment letter, if more than one, has a letter assigned to it. Each comment letter is reproduced in its entirety with the issues of concern lettered in the right margin. References to the responses to comments identify first the letter number, and second, the lettered comment (6B, for example, would reference the second issue of concern within the sixth sequential comment letter).

Table CR-1. Commentors on the Draft EIR

Letter No.	Commentor	Agency	Date
<i>Public Agencies</i>			
1	Terry Roberts, Director	State of California, Governor's Office of Planning and Research, State Clearinghouse	March 12, 2004
2	James Kilmer	California Department of Transportation	March 6, 2004
3	Heather Tomley	Air Pollution Control District	March 10, 2004
4	Tamara Kleemann	Department of Agriculture/ Measurement Standards	March 10, 2004
5	Orval Osborne	City of San Luis Obispo Planning Commission	March 4, 2004 and March 10, 2004
6	Paul Hood	San Luis Obispo County Local Agency Formation Commission	March 24, 2004
<i>Private Citizens</i>			
7	Joanne Vokal	Private Citizen	January 30, 2004
8	Bill Bird	San Luis Obispo Marketplace Associates, LLC	February 4, 2004
9	Richard Schmidt	Private Citizen	February 23, 2004 and March 8, 2004
10	Deborah Cash	San Luis Obispo Downtown Association	February 23, 2004
11	Michael Cannon	Cannon Associates	February 25, 2004 and March 11, 2004
12	Michael Sullivan	Private Citizen	February 25, 2004 and March 11, 2004
13	Eugene H. Jud, Fellow ITE,	Private Citizen	February 25, 2004 and March 10, 2004
14	Marc Block, Esq.	Private Citizen	February 26, 2004
15	Gary Kucer	Laguna Neighbors Association	March 6, 2004
16	Richard Kranzdorf	Private Citizen	March 9, 2004
17	Brett Cross	Private Citizen	March 10, 2004
18	Jean Wright	Private Citizen	January 29, 2004





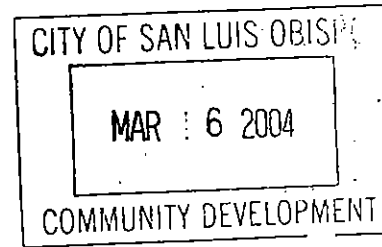
STATE OF CALIFORNIA
 Governor's Office of Planning and Research
 State Clearinghouse and Planning Unit



Arnold
 Schwarzenegger
 Governor

Jan Boel
 Acting Deputy
 Director

March 12, 2004



Letter #1

Pam Ricci
 City of San Luis Obispo
 990 Palm Street
 San Luis Obispo, CA 93401

Subject: Dalidio/San Luis Marketplace Annexation and Development Project
 SCH#: 2003021089

Dear Pam Ricci:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 11, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
 Director, State Clearinghouse

A

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003021089
Project Title Dalidio/San Luis Marketplace Annexation and Development Project
Lead Agency San Luis Obispo, City of

Type EIR Draft EIR

Description The proposed project, known as the Dalidio/San Luis Obispo Annexation and Development Project, is a development plan that involves the annexation and partial development of 131 acres of property into the City of San Luis Obispo. The near term activity would involve the development of a portion of the annexation area with a 635,200 square foot retail complex (San Luis Marketplace), as well as a 150-room hotel, and establishment of a permanent open space area. Urban infrastructure to support this component would also be included in the near term. Infrastructure requirements include roads, water and wastewater conveyance systems, and stormwater conveyance systems. Long-term plans for the site would include development of approximately 198,000 square feet of business park uses.

Lead Agency Contact

Name Pam Ricci
Agency City of San Luis Obispo
Phone 805-781-7168 **Fax**
email
Address 990 Palm Street
City San Luis Obispo **State** CA **Zip** 93401

Project Location

County San Luis Obispo
City San Luis Obispo
Region
Cross Streets Dalidio Drive, Highway 101, Madonna Road
Parcel No. 067-121-022
Township **Range** **Section** **Base**

Proximity to:

Highways 101
Airports San Luis Obispo
Railways Union Pacific
Waterways Laguna Lake, San Luis Obispo Creek, Prefumo Creek
Schools
Land Use Open Space, General Retail, Interim Open Space, Medium-High Density Residential

Project Issues Agricultural Land; Air Quality; Biological Resources; Water Quality; Geologic/Seismic; Landuse; Noise; Public Services; Traffic/Circulation

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; Caltrans, District 5; California Highway Patrol; Native American Heritage Commission; State Lands Commission; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; State Water Resources Control Board, Division of Water Quality

Date Received 01/27/2004 **Start of Review** 01/27/2004 **End of Review** 03/11/2004

Letter 1

COMMENTOR: Terry Roberts, Director, California State Clearinghouse

DATE: March 12, 2004

RESPONSE:

Response 1A

The commentor states that he has distributed the Draft EIR to selected state agencies for review and acknowledges that the City has complied with the State Clearinghouse review requirements for draft environmental documents.



DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.gov/dist05>

Letter #2



*Flex your power!
Be energy efficient!*

March 6, 2004

SLO – 101 PM 26.86
Dalidio San Luis
Annexation and
Development Project
DEIR

SCH # 2003021089

Ms. Pam Ricci, Senior Planner.
City of San Luis Obispo
990 Palm Street
San Luis Obispo, CA. 93401

Dear Ms. Ricci:

The California Department of Transportation (Department) Development Review Staff has reviewed the above referenced document. As a result, the following comments were generated.

1. (General Comment #1) The Department feels that the traffic study prepared by the consultant for the Draft Environmental Impact Report (DEIR) of the Dalidio/San Luis Marketplace Annexation and Development Project is technically sound and provides sufficient mitigation measures to address project generated traffic impacts on State highway facilities for the 10-year + project and build out + project traffic scenarios. The DEIR needs to be a "stand alone" document, as such, please include a discussion in at least the Traffic & Circulation section to the effect that the Prado Road Interchange is being constructed as project specific mitigation for the Dalidio project traffic impacts. A
2. (General Comment #2) Please be advised that this document (DEIR) cannot also serve as the environmental document for the Prado Road Interchange. District 5 Project Management, who performs Quality Assurance for the Prado Road Interchange (I/C) project and works with the California Transportation Commission (CTC) on approving new freeway connections to the State highway system, confirms that this currently circulated Draft Environmental Document for the Dalidio/San Luis Marketplace, does not provide an adequate level of environmental analysis for the Prado Road Interchange. B

As such, the Department maintains that a Mitigated Negative Declaration still needs to be completed for the Prado Rd. I/C. Much of the information in the Dalidio/San Luis Marketplace DEIR can be tiered off and included in the Mitigated Negative Declaration for the Prado Rd. I/C. At that time, environmental issues including the Dalidio project's utilization of the Prado Road I/C's reconstructed drainage system to manage the Dalidio Project's Storm water runoff effects on Route 101, can be discussed in greater detail.

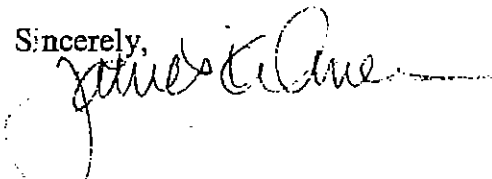
B
(cont'd)

3. (Reference Figures 4.10-10 and 4.10-19, *Traffic and Circulation* Section) The traffic consultant may want to revisit the buildout and buildout + project, *Freeway and Ramp PM Peak-Hour Traffic Volumes* scenarios, as the freeway mainline volumes illustrated in both of the above referenced figures exceed the theoretical capacity for a four lane freeway facility as defined in the 2000 Highway Capacity Manual (HCM 2000). For a free flow speed of 65 mph, the optimum capacity for a four lane freeway facility is 2350 vehicles per hour per lane. For the two southbound highway 101 travel lanes between Madonna Road and Los Osos Valley Road, this translates to 4700 vehicles per hour. Figure 4.10-19 shows volumes in excess of 5100 vehicles per hour traveling southbound under the build out + project scenario.

C

Thank you for including the Department in review of the DEIR. If you have any questions, please contact me at 549-3683.

Sincerely,



James Kilmer
District 5
Development Review

cc: File, D. Murray, R. Barnes, T. Houston, T. Farris, L. Wickham, P. Huddleston

Letter 2

COMMENTOR: James Kilmer, Caltrans District 5

DATE: March 6, 2004

RESPONSE:

Response 2A

The commentor's concurrence with the traffic study prepared for the EIR is noted. Although the Prado Road interchange would accommodate traffic generated by the proposed project, it is not considered a mitigation measure for the project, but rather a part of the project description.

Response 2B

As described in Response 2A, the Prado Road interchange is not considered a mitigation measure for the project, but rather a part of the project description. Therefore, the EIR is intended to serve as a single EIR for both the Dalidio site development and the Prado Road interchange. No further environmental analysis would be required pursuant to CEQA unless the proposed design of the Prado Road interchange changes substantially.

Response 2C

The commentor states the opinion that the EIR traffic analysis should revisit the Buildout and Buildout Plus Project, Freeway and Ramp PM Peak-Hour Traffic Volumes scenarios, since the volumes exceed the theoretical capacity for a four-lane freeway facility as defined in 2000 *Highway Capacity Manual*. As noted by the commentor, the optimum capacity for the two southbound lanes on Highway 101 between Madonna Road and Los Osos Valley Road is 4,700 vehicles per hour (vph). The traffic volumes presented in Figure 4.10-19 of the Draft EIR represent the estimated vehicle demand for Buildout Plus Project Conditions, which includes buildout of the City's General Plan (projected to occur over the next 30 years and beyond) and the proposed project. The volumes in this figure represent the estimated demand and not the actual amount of traffic that could be accommodated by the freeway within a one-hour period. Should the future demand on Highway 101 exceed 4700 vehicles per hour, LOS F operations would result and the additional demand would be served during the previous or following time periods (i.e., peak-spreading would occur). Because General Plan buildout volumes were used, the analysis presented in Section 4.10, *Traffic and Circulation*, of the Draft EIR is considered conservative.

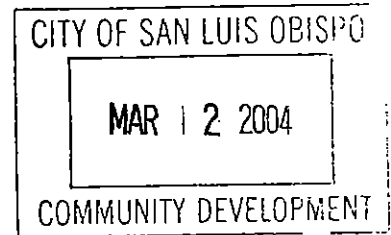




**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

March 10, 2004

Letter #3



City of San Luis Obispo
Community Development Department
Attn: Pam Ricci, Senior Planner
990 Palm Street
San Luis Obispo, CA 93401-3249

SUBJECT: Dalidio/San Luis Marketplace Annexation and Development Project EIR

Thank you for including the Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at the Dalidio property in San Luis Obispo. We have the following comments on the proposal.

A

First, we would like to commend the applicant on their analysis of the potential air impacts and the breadth of the mitigation measures proposed. Potential emissions from this project, during both the construction and operation phase, greatly exceed the APCD's CEQA significance thresholds. As identified in the DEIR, a wide variety of mitigation measures will need to be employed to reduce the potential air impacts from buildout of this project. Additional mitigation measures and corrections to the text of the DEIR are detailed below.

The majority of air impacts resulting from this project will be from vehicle emissions. The APCD is disappointed that housing will not be included with this project, which could have eliminated many vehicle trips. While we are aware of the restrictions placed on the project by the Airport Land Use Commission and negotiations between the City and the owner that have resulted in the absence of housing in this project, we feel that this is a critical opportunity that will be missed. This project will result in approximately 1,666 new jobs in an area that already has an abundance of jobs compared to workforce housing units. This imbalance increases vehicle emissions and traffic by requiring workers to live in outside communities and commute in to San Luis Obispo for jobs. The location of this project, and the inclusion of jobs and shopping, would be an ideal opportunity for mixed-use housing.

B

<u>ID</u>	<u>Page</u>	<u>Comment</u>
1	2-14	The pedestrian circulation elements included in the project are difficult to determine based upon the descriptions and the maps provided. Adequate pedestrian amenities must be included to improve the pedestrian environment and increase pedestrian safety with the goal to reduce internal vehicle trips. We understand this will be addressed in the Pedestrian Circulation Plan to be submitted to the City (AQ-4(c)), and encourage the applicant to include all elements that make pedestrian use not only safe, but more inviting than driving.

C

Additionally, redesigning the site to create more of a neighborhood scale development, clustering retail uses along Dalidio Drive next to the existing shopping area, with street facing access and parking in the rear, would encourage users to walk between the commercial/retail areas, rather than driving from one complex to the other.

<u>ID</u>	<u>Page</u>	<u>Comment</u>	
2	4.3-1	In addition to carbon monoxide (CO), nitrogen oxides (NOx) and reactive organic gases (ROG), construction activities will release diesel combustion emissions such as diesel particulate matter (diesel PM), which has been classified as a toxic air contaminant by the California Air Resources Board (ARB), and is a significant concern for the APCD.	D
3	4.3-3	The San Luis Obispo County area was designated as attainment with the state health based standard for ozone by the ARB in January 2004. While this is a monumental achievement for our area, we must continue to work to minimize ozone precursor emissions in order to maintain our healthy air. The attainment status of the County is referenced many times in the Air Quality section, and should be updated throughout.	E
4	4.3-6	AQ-1: As mentioned in comment 2 above, construction activities will also release diesel PM emissions and should be estimated and evaluated in this document. Screening level emission rates based upon the amount of material to be moved during site preparation are available in Table 6-2 of the APCD's CEQA Handbook.	F
5	4.3-7	The duration of the project construction should be indicated and quarterly emission estimates should be compared to APCD's CEQA quarterly thresholds. Currently only maximum daily emissions are listed.	G
6	4.3-7	AQ-1(a): The APCD agrees that DOCs or CDPFs should be used during project construction. The number of catalysts or filters required and the equipment on which they should be installed will need to be determined in consultation with the APCD. The applicant must develop a Diesel Emission Control Plan (DECP) for approval by the APCD prior to the start of construction. The DECP will detail the diesel emission controls to be employed during project construction, and will specify use of DOCs and CDPFs. The APCD encourages the applicant to complete this Plan and place the order for the required DOCs and CDPFs as quickly as possible to avoid any unnecessary project delays.	H
7	4.3-8	AQ-1(c): Truck trip scheduling will be detailed in the Construction Activity Management Plan to be developed under AQ-1(b).	I
8	4.3-9	AQ-1(o): If asbestos will be removed from the structures scheduled for demolition, the APCD must be notified. Contact Tim Fuhs of the District's Enforcement Division at 781-5912 for more information.	J
9	4.3-9	AQ-1(p): Sandblasting or removal of paint by heating with a heatgun can result in significant emissions of lead. Therefore, proper abatement of lead before	K

<u>ID</u>	<u>Page</u>	<u>Comment</u>
9	4.3-9	(Continued) demolition of these structures must be performed in order to prevent the release of lead from the site. Depending on removal method, a District permit may be required. Contact David Dixon from the District's Engineering Division at 781-5912 for more information. Approval of a Lead Work Plan by the District is required and must be submitted ten days prior to the start of the demolition. Contact Tim Fuhs of the District's Enforcement Division at 781-5912 for more information.
10	4.3-9	If it is determined that portable engines or portable equipment will be utilized during project construction, California statewide portable equipment registration or an APCD permit may be required. Contact David Dixon of the District's Engineering Division at 781-5912 for more information.
11	4.3-11	AQ-2(a): Additional building energy efficiency measures that should be included are energy efficient interior lighting, high efficiency heating and cooling, and the use of roofing material with a solar reflectance value that meets the EPA/DOE Energy Star rating. A site energy efficiency measure that should be included is the use of low energy parking lot lights.
12	4.3-11	An adequate amount of shade trees must also be planted throughout the parking lots to reduce evaporative emissions from parked vehicles.
13	4.3-11	AQ-2(c): A park and ride lot was included as a mitigation measure in the FEIR for the upcoming Costco project on Los Osos Valley Road. An additional park and ride lot in this area is not likely to capture a significant number of commute trips, especially considering San-Luis Obispo, as a regional employment center, receives more inbound commute trips than it generates. This mitigation should be removed to focus efforts on the other listed measures. The applicant must work with the APCD to determine the exact financial contributions and methodology for implementing the listed mitigation measures. The current rate for financial contributions to offset project emissions that can not be mitigated on-site is \$8,500/ton emissions greater than 25 lbs/day.
14	4.3-14	The text states that no voluntary commute options are included as mitigation measures for this project; however, mitigation AQ-4(b) includes the provision of vanpool services, rideshare matching services, and cash incentives for using alternative transportation, all of which are included in this category. In addition, the applicant or tenants association should work with the local Transportation Choices Program (TCP) coalition to develop an employee trip reduction program designed to encourage the use of alternative transportation and eliminate commute trips. Further, Guaranteed Ride Home, a service of Ride-On Transportation,

K
(cont'd)

L

M

N

O

P

ID Page Comment

14 4.3-14 (Continued)
should be provided for employees who use alternative transportation. Contact SLO Rideshare for more information on TCP and Guaranteed Ride Home at 541-2277.

P
(cont'd)

15 4.3-16 See comment 9.

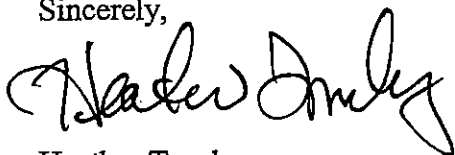
Q

None of the alternative scenarios explored involved a mixed-use development with a reduction in commercial retail and inclusion of medium to high density workforce housing. This alternative would be environmentally superior to the proposed project and could reduce employee commute trips and vehicle shopping trips if adequate amenities were provided to encourage residents to walk or bike between the different land uses. As stated at the beginning of this letter, San Luis Obispo has a shortage of affordable workforce house, which requires workers to live in outside communities and drive into the area to work. Providing nearby housing units with this development could help to minimize vehicle trips and the associated traffic and air emissions. The APCD recommends this alternative be explored further.

R

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

Sincerely,



Heather Tomley
Air Quality Specialist III

HAT/lmg

cc: Tim Fuhs, Enforcement Division
 David Dixon, Engineering Division

Letter 3

COMMENTOR: Heather Tomley, San Luis Obispo Air Pollution Control District (APCD)

DATE: March 10, 2004

RESPONSE:

Response 3A

The commentor's summary of the Draft EIR air quality analysis is noted. It should be noted, however, that the applicant did not prepare or sponsor the air quality analysis in the EIR. Rather, this analysis was completed by Rincon Consultants, Inc. under contract to the City of San Luis Obispo.

Response 3B

The commentor states opinions regarding the need for housing on the project site. Project alternatives that include housing on the site are included in Section 7.0, *Alternatives*, of the Draft EIR. Refer to Response PC-39 and Section 5.0, *Land Use*, of the Draft EIR, for discussions of the effect of the project on regional jobs/housing balance.

Response 3C

The pedestrian components of the project are described throughout Section 2.0, *Project Description*, of the Draft EIR. As noted by the commentor, Mitigation Measure AQ-4(c) requires the applicant to prepare a Pedestrian Circulation Plan for the project.

The commentor states the opinion that redesigning the site to a "neighborhood scale" would encourage pedestrian use of the project. Increased pedestrian use of the project would generally offset a portion of projected vehicle use and associated air contaminant emissions generated by the project. Pedestrian circulation issues will be addressed as part of the Pedestrian Circulation Plan required to be prepared for the project.

Response 3D

Combustion emissions, such as NO_x and diesel particulate matter (diesel PM), are most significant when using large, diesel-fueled scrapers, loaders, dozers, haul trucks, compressors, generators and other heavy equipment. According to SLOAPCD, depending on the construction site location and proximity to sensitive receptors, a project that generates high levels of construction emissions, including diesel PM, may require special attention and mitigation, and may need to perform a health risk assessment to evaluate short-term exposures to high pollutant concentrations. As described in Appendix D, *Air Quality Model Results*, project demolition, grading, and construction would result in substantial emissions of diesel PM emissions. As stated in Impact AQ-1, the proposed project would generate temporary emissions during grading activities and during Phase 2 demolition. Mitigation Measures AQ-1(a-p), which require implementation of Best Available Control Technology (CBACT) for diesel-



fueled construction equipment, and other construction specification, would reduce this impact to a less than significant level.

Response 3E

Page 4.3-3, first full paragraph, has been revised as follows:

“Federal air quality standards within the jurisdiction of the San Luis Obispo APCD have been attained, while the County is in non-attainment for the state standards for ~~ozone~~ and PM₁₀. The San Luis Obispo County area was designated as attainment for the state standard for ozone in January 2004.”

Page 4.3-4, first full paragraph, has been revised as follows:

“As noted above, San Luis Obispo County is in nonattainment regarding ~~ozone~~ and PM₁₀, but has recently achieve attainment status regarding the state standard for ozone.”

Page 4.3-16, fifth full paragraph, has been revised as follows:

“San Luis Obispo County air basin is currently in non-attainment for state standards for ~~ozone~~ and PM₁₀, but has recently achieve attainment status regarding the state standard for ozone. The proposed project, in combination with pending development elsewhere in the City of San Luis Obispo planning area, could contribute to the cumulative degradation of regional air quality. Increases in automobile traffic, resulting from General Plan buildout would cause increases in ozone precursor and PM₁₀ emissions. In addition, cumulative construction-related emissions would contribute to the cumulative exceedance of the state ~~and federal ozone~~ PM₁₀ standard. Because the proposed project would incrementally add to the exceedance of ~~these standards~~ **this standard**, cumulative impacts would be significant and unavoidable.”

Response 3F

Refer to Response 3D.

Response 3G

Although not anticipated for several years, the removal of on-site structures for development of the business park is assumed to occur over a three week period. Site grading is assumed to require about 6 weeks to complete. Project construction is assumed to require about 10 months to complete. The SLOAPCD CEQA Handbook states that construction ROG and NOx emissions of 2.5 - 6.0 tons/quarter require CBACT. This threshold would be exceeded if the project moves more than 53,500 cubic yards of material per quarter. Based on the large amount of grading and fill material proposed on the site, it is assumed that this threshold would be exceeded. As stated in Impact AQ-1, the proposed project would generate temporary emissions during grading activities and during Phase 2 demolition. Mitigation Measures AQ-1(a-p), which require implementation of Best Available Control Technology (CBACT) for diesel-fueled construction equipment, and other construction specification, would reduce this impact to a less than significant level.



Response 3H

The commentor's concurrence with the requirement of mitigation measure AQ-1(a) to use diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices during construction is noted.

Mitigation Measure AQ-1(a), on page 4.3-7 of the Draft EIR, has been revised as follows:

“AQ-1(a) The applicant shall implement the following Best Available Control Technology (CBACT) for diesel-fueled construction equipment, where feasible:

- *Maintain all construction equipment in proper tune according to manufacturer's specifications;*
- *Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);*
- *Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;*
- *Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices (the number of catalysts or filters required and the equipment on which they should be installed shall be determined in consultation with APCD);*
- *Electrify equipment where feasible;*
- *Develop and implement a Diesel Emission Control Plan (DECP) that describes the diesel emission controls to be used during construction and specifies the use of DOCs and CDPFs, in consultation with APCD prior to the start of construction;*
- *Substitute gasoline powered for diesel powered equipment, where feasible;*
- *Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel; and*
- *Use equipment that has Caterpillar pre-chamber diesel engines;*

If any of the above CBACT's is considered infeasible, the applicant shall notify the Community Development Department, by letter, and clearly state why any of the measures are considered infeasible. The Community Development Department, in consultation with the San Luis Obispo County APCD would then make a final determination as to whether the measure is infeasible.”

Response 3I

The commentor's statement that truck trip scheduling will be detailed in the Construction Activity Management Plan to be developed under mitigation measure AQ-1(b) is noted.



Response 3J

The commentor's statement that APCD must be notified if asbestos is to be removed from structures scheduled for demolition is noted.

Response 3K

As described in Mitigation Measure AQ-1(p), if during demolition of an on-site building, paint is separated from the building material (e.g. chemically or physically), the paint waste will be evaluated independently from the building material by a qualified hazardous materials inspector to determine its proper management. The commentor's statement that an APCD permit may be required depending on the lead removal system is noted.

Response 3L

The commentor's statement that California statewide portable equipment registration or an APCD permit may be required if it is determined that portable engines or portable equipment will be used during construction is noted.

Response 3M

Mitigation measure AQ-2(a), on page 4.3-11 of the Draft EIR, has been revised as follows:

"AQ-2(a) Increase building energy efficiency ratings by at least 10% above what is required by Title 24 requirements. Potential energy consumption reduction measures include, but are not limited to, increasing attic, wall, or floor insulation, the use of photovoltaic roof tiles, installation of energy efficient windows, **installation of energy efficient interior lighting, use of high efficiency heating and cooling, use roofing material with a solar reference value that meets the EPA/DOE Energy Star rating, installation of low energy parking lot lights,** and the use of R-45 insulation in the roof/attic space of all on-site structures."

Response 3N

Mitigation measure AQ-2(b), on page 4.3-11 of the Draft EIR, has been revised as follows:

"AQ-2(b) Shade trees shall be planted to shade on-site structures to the greatest extent possible in summer, decreasing indoor temperatures, and reducing energy demand for air conditioning. **Shade trees shall also be planted throughout the parking lots to reduce evaporative emissions from parked vehicles.** The landscape plan shall be submitted to the San Luis Obispo APCD for review and comment. The City's Architectural Review Commission (ARC) shall review project landscaping plans for consistency with this mitigation measure."



Response 3O

The 25-space shared use park and ride lot required in mitigation measure AQ-2(c) and AQ-4(b) would provide additional air contaminant emissions reductions regardless of separate park-and-ride lots in the project vicinity. Mitigation measure AQ-2(c) states that the applicant shall implement the referenced financial measures in coordination with APCD.

Response 3P

As stated in Section 4.3, *Air Quality*, of the Draft EIR, the project proponent has not specified any voluntary commute options (e.g., employee ridesharing incentives, etc.) at this time. As noted by the commentor, voluntary commute options are encouraged by mitigation measure AQ-4(b).

Mitigation measure AQ-4(b), on page 4.3-15 of the Draft EIR, has been revised as follows:

“AQ-4(b) To reduce overall project trip generation and associated air contaminant emissions, project tenants ~~should~~ **will** be required to establish and maintain employee trip reduction programs that ~~could~~ **will** include, but are not limited to, the following elements:

- Free or subsidized employee passes for SLO Transit;
- ~~Senior Citizen subsidized patron passes for SLO Transit;~~
- Vanpool services provided by Ride-On Transit;
- Cash incentives for using alternative travel modes;
- On-site rideshare matching services;
- On-site shower facilities for bicycle users;
- **Encourage Guaranteed Ride Home services for employees who use alternative transportation;**
- **A minimum of 25 parking spaces to be shared use as a public Park and Ride lot;**
- Posted information on alternative travel modes; and
- Preferential parking for employee carpools/vanpools (where feasible).”

Response 3Q

Refer to Response 3K.

Response 3R

The commentor suggests an additional alternative, involving a mixed-use development with a reduction of commercial retail and inclusion of medium to high density workforce housing, be evaluated. Refer to Response 7E regarding the selection of a range of reasonable alternatives to the project. Such an alternative would result in reduced air quality impacts compared to the proposed project. However, it likely would not be feasible, since it would be potentially inconsistent with the 1973 Airport Land Use Plan (ALUP). This is because it would result in a high concentration of residents in overflight zones, where land uses are restricted. It may be infeasible from a land use policy consistency standpoint without the adoption of an ALUP amendment.



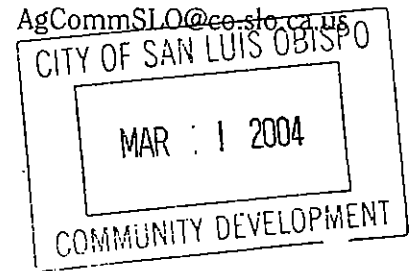


COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Masurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910
FAX (805) 781-1035



DATE: March 10, 2004

TO: Pam Ricci, Senior Planner

FROM: Tamara Kleemann, Agricultural Inspector/Biologist

SUBJECT: Draft Environmental Impact Report (EIR) for the Dalidio/San Luis Marketplace Annexation and Development Project (SCH #2003021089)

Summary of Comments

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Dalidio/San Luis Marketplace Annexation and Development Project (*Please refer to the attached report regarding original proposal within the county, September 24, 2001*). The comments and recommendations in this report are based on current departmental policy to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. A summary of comments follows:

- ▶ The Agricultural Commissioner's Office strongly opposes this project due to the conversion of 60 acres of prime agricultural soil to non-agricultural uses, potential impacts related to conflicts between the proposed development and remaining agricultural uses, and the resulting pressure for future conversion of adjacent prime agricultural land.
- ▶ The high productivity of the soil, coastal climate, site acreage and developed irrigation capability provide this property with the necessary resource features to remain very productive farmland.
- ▶ The EIR makes reference to an article in the September 21, 1999, San Luis Obispo Tribune that quoted Mr. Dalidio's opinion that "urban farming does not work due to the incompatibilities between urban development and agricultural practices, particularly the aerial spraying of pesticides and the burning of crops." Neither of these practices have been allowed on the site in recent years and we disagree that it has diminished the viability. In a broad context the property is nearly surrounded by non-agricultural uses, but the current agricultural practices of the operator and size of the property provide for compatibility with these uses.

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Draft EIR - Dalidio/San Luis Marketplace

March 10, 2004

Page 2

- ▶ The project is proposing a 100 foot buffer between proposed development and remaining agricultural uses. The San Luis Obispo County adopted agricultural buffer policy for irrigated row crops ranges from 200 to 500 feet. We recommend the buffer be a minimum of 200 feet from the existing agricultural uses. The buffers can include non-habitable structures, roadways, and landscaped areas, however, it is not recommended to have high turnover parking that is associated with the commercial portion of the project within the buffer area. D

- ▶ The Agricultural Resources section of the EIR states that the applicant would acquire an open space easement over 20 acres of off-site agricultural land of similar soil type. There are many other factors beyond the soil type that makes this project site an exceptionally productive agricultural property. Will the off-site property have similar resources beyond the soil type that allows for comparable food production? Will the off-site property be utilized for agricultural production? If not, this discussion should be removed from the agricultural resource mitigation. E

- ▶ The reference that Agricultural Commissioner-approved strategies may be utilized to reduce conflicts between agricultural operations and adjacent uses, including restriction of pesticide application within a specified distance of the adjacent uses, are not recommended as a mitigation for proposed development. We do not support restrictions placed on agricultural operations to allow for new development. F

If you have any questions concerning these comments, please call me at 781-4696.

EXHIBIT G
AGRICULTURAL COMMISSIONER'S REFERRAL RESPONSE



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
RICHARD D. GREEK (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

RECEIVED
AgCommSLO@co.slo.ca.us

SEP 24 2001

Planning & Bldg

September 24, 2001

TO: Lynda Auchinachie, Planner III
FROM: Robert Hopkins, Deputy Agricultural Commissioner
SUBJECT: Dalidio General Plan Amendment Authorization

Robert Hopkins

Executive Summary

The Agricultural Commissioners Office does not support the authorization of the general plan amendment. This project is inconsistent with the policies of the Agriculture and Open Space Element and raises serious issues with the conversion of prime agricultural land.

The following report is in response to your request for comments on the proposed Dalidio General Plan Amendment. The comments and recommendations in our report are based on agricultural policies in the San Luis Obispo County Agriculture and Open Space Element and current departmental goals to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

A. Project Description and Agricultural Setting

The project entails changing the Land Use Category on approximately 131 acres from Agriculture to Commercial Retail, Residential Multi-Family, Recreation and Open Space. A variety of commercial, residential, recreational and open space uses are intended for the property. With the exception of the ranch headquarter area off of Madonna Road, the current and recent history use of the property has been intensive vegetable crops.

The site consists of Class I & II irrigated soils. All the areas currently farmed are considered prime soils. Reference Natural Resources Conservation Services, San Luis Obispo County, Coastal Area.

G

24

B. Evaluation of Agricultural Issues

Introduction

Our evaluation and comments concerning the general plan amendment authorization are in the context of consistency with the Agricultural Policy 24 of the Agriculture and Open Space Element concerning the conversion of Agricultural land. The criteria and procedures for incorporating Agricultural Policy 24 into the evaluation of general plan amendments proposals have not been developed. However, the policy language, especially the criteria for agricultural land conversions closely parallels our historical approach to the review of general plan amendment proposals, which looks at both the agricultural capability of the annexation area and impacts to adjacent agricultural lands. Projects which lead to the conversion of land capable of production agriculture, or causes a direct or indirect impact to adjacent agricultural lands are not supported.

G
(cont'd)

1. Agricultural Capability

The list of criteria from Agricultural Policy 24 concerning agricultural capability are as follow:

- ▶ the land does not meet the criteria for inclusion in the Agriculture designation in this plan of the Land Use Element; and
- ▶ agriculture production is not feasible due to some physical constraint (such as soil infertility, land of water resource, disease) or surrounding incompatible land uses; and
- ▶ adjacent lands are already substantially developed with use that are incompatible with agricultural uses;

These criteria basically consider the agricultural capability of the site for production agricultural use. Although in a broad context the property is nearly surrounded by non-agricultural uses, the property is large enough and sufficiently buffered from urban uses (e. g. a creek, the freeway) to remain feasible for production agriculture. The productivity of the soil, coastal climate, developed irrigation capability and grower expertise provide this property with the necessary resource features to remain very productive farmland.

02
25

Lynda Auchinachie, Planner III
September 24, 2001
Page 3

All of the areas farmed (approximately 108 acres) are considered prime soil. The general plan amendment change and subsequent development would convert significant acreage of prime soils.

G
(cont'd)

2. Impacts to Adjacent Agricultural Lands

The criterion from Agricultural Policy 24 concerning impacts to adjacent agricultural lands is as follow:

- ▶ the conversion to non-agricultural use shall not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture;

Two other fields, also used for vegetable crops, exist south of the project site. The field immediately adjacent to the site is approximately 32 acres. The second field south of the creek is approximately 19 acres. Both fields consist of prime soils.

The land use category change and subsequent development uses, could significantly increase the conversion pressure on these adjacent properties in the Agriculture Land Use Category to also initiate a zoning change. Additionally increased residential uses adjacent to these agricultural areas could increase land use compatibility issues. The potential to impact additional agricultural lands supports keeping the Dalidio property in the Agriculture Land Use Category.

If we can be of further assistance please call.

CC: City of San Luis Obispo

H:\RLHLUP\GPA & Annex\Dalidio gpa.wpd

Letter 4

COMMENTOR: Tamara Kleemann, Department of Agriculture/Measurement Standards

DATE: March 10, 2004

RESPONSE:

Response 4A

The commentor's opposition to the project is noted. Project and cumulative impacts on agricultural resources are described in detail in Section 4.6, *Agricultural Resources*, of the Draft EIR.

Response 4B

The commentor's opinions regarding the productivity of the on-site farmland are noted. Project and cumulative impacts on agricultural resources are described in detail in Section 4.6, *Agricultural Resources*, of the Draft EIR.

Response 4C

The commentor's opinions regarding the viability of the site for agriculture are noted. However, the presence of urban uses on all sides of the existing on-site agricultural operation can be expected to have reduced the viability of agricultural use, due to land use incompatibilities between agriculture and urban development.

Response 4D

The commentor's recommendation of a minimum 200-foot buffer between the proposed urban uses and existing agricultural uses is noted. It should be noted that subsequent to annexation of the property, the City, rather than the County, would retain the regulatory authority to impose appropriate buffers. The proposed commercial buildings along the southwestern portion of the proposed commercial area would act as a buffer if the building entrance faces the parking lot and any rear entrances are only for shipping and receiving. With this commercial buffering, a 100-foot agricultural buffer, as specified in Mitigation Measure AQ-2(a) is considered to be adequate to reduce land use impacts related to agricultural operations to a less than significant level.

Response 4E

Although the on-site agricultural lands may possess characteristics that encourage agricultural productivity, the location of the site between existing urban development and associated land use conflicts hinder the viability of site for ongoing agricultural use.

Mitigation Measure AG-1(d) has been added to page 4.6-7 of the Draft EIR, as follows:

“AG-1(c) Off-Site Open Space Dedication Agricultural Characteristics. The 20 acres of off-site open space proposed to be funded by the applicant



shall be characterized by similar overall agricultural suitability as the on-site agricultural lands.”

Response 4F

Page 4.6-8, first incomplete paragraph, has been revised as follows:

“Any restricted pesticides, like methyl bromide, would require a permit be obtained through the San Luis Obispo County Agricultural Commissioner’s Office. ~~Agricultural Commissioner-approved strategies may be utilized to reduce conflicts between agricultural operations and adjacent uses. These strategies may include, but are not limited to, the restriction of pesticide spraying within a specified distance of the adjacent uses.”~~

Response 4G

This comment relates to a previous project on the site, rather than the current project being considered in this EIR. Refer to Responses 4A through 4F, and Section 4.6, *Agricultural Resources*, of the Draft EIR.



Letter #5 (1)

From: Orval Osborne [oosborne@fix.net]
Sent: Thursday, March 04, 2004 3:56 PM
To: Gil Trujillo
Cc: John Mandeville
Subject: San Luis Marketplace EIR

Dear Mr. Trujillo,

Following the recent hearing by the Planning Commission on the EIR for the Dalidio/San Luis Marketplace project, I kept thinking about the issue of subsidence impacting the proposed development if the City were to use groundwater in the area.

The consultant said that was a different project, and so it did not need to be considered in "his" EIR.

The City plans on using that groundwater source (after treatment) for the City water supply. But if the project is built, and the pumping of those wells causes subsidence, as happened on the adjacent wells on LOVR, the City could be forced to stop using those wells. If the project is not built, the City could pump the groundwater, and if subsidence were caused, no harm would come of it. (I know the applicant said they are currently using the groundwater for irrigation, so there would not be a problem. However, given the City's history in that area, there may still be subsidence issues.)

So it seems to me that building that project could have the impact of eliminating a source of water for the City. That should be considered as an environmental impact of the project.

I look forward to your comments.

+Orval Osborne

A

Letter #5 (2)

Richard Daulton

From: Pam Ricci [PRICCI@slocity.org]
Sent: Wednesday, March 10, 2004 1:34 PM
To: Richard Daulton
Subject: Fwd: Re: SL Marketplace EIR (additional comments)

>>> Ron Whisenand 03/09/04 05:37PM >>>
Orval:

Thanks for your comments. By a copy of this email, I have forwarded them to Pam for delivery to the EIR consultant to respond to. Thanks again.

Ron

>>> Orval Osborne <osborne@fix.net> 03/09/04 04:31PM >>>
Dear Ron,

After the Planning Commission hearing on the SL Marketplace EIR, I thought more about the traffic impacts. I think it would likely add 1000 trips or more per day to Broad Street leading to 101.

The consultant said the project would generate 20,000 trips per day. It is intended to draw from a regional market, meaning beyond it's neighborhood in the south-central part of the City. This market would likely include the west part of SLO, such as along Foothill Blvd, as well as Morro Bay. This traffic would travel primarily along Santa Rosa or Chorro or Broad

Streets. The increased traffic along Santa Rosa would tend to shift traffic with other destinations to Broad Street. Thus an additional 1000 trips per day along Broad is likely, perhaps even a conservative estimate.

Would this volume of traffic be enough of an impact to deserve study in the EIR? Would closing the Broad Street onramp to 101 be a mitigation worth

considering?

Should I, instead of writing you, address Pam Ricci and ask that it be included in the EIR?

Thanks for you help.
+Orval

B

Letter 5

COMMENTOR: Orval Osborne, City of San Luis Obispo Planning Commission

DATE: March 4, 2004 and March 10, 2004

RESPONSE:

Response 5B

Refer to Responses 9A and 9DD.

Response 5B

Refer to Responses 9A and 12J.



Letter #6

LAFCO • The Local Agency Formation Commission Serving the Area of San Luis Obispo County

Via Facsimile & US Mail: 781-7173

COMMISSIONERS

March 24, 2004

SHIRLEY BIANCHI, Chair
County Member

BARBARA MANN, Vice
Chair
Special District Member

CAROLYN MOFFATT
Special District Member

DUANE PICANO
City Member

RICHARD ROBERTS
Public Member

MICHAEL P. RYAN
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City Member

ALTERNATES

KATCHO ACHADJIAN
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STAN GUSTAFSON
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TOM MURRAY
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ALLEN SETTLE
City Member

STAFF

PAUL L. HOOD
Executive Officer

RAY BIERING
Legal Counsel

DAVID CHURCH
LAFCO Analyst

DONNA J. BLOYD
Commission Clerk

Ms. Pam Ricci
Community Development Department
City of San Luis Obispo
990 Palm Street
San Luis Obispo, CA 93401-3249

Subject: Draft Environmental Impact Report for Dalidio/San Luis
Marketplace Annexation and Development Project

Dear Ms. Ricci:

Thank you for the opportunity to comment on the Draft Environmental
Impact Report for the Dalidio/San Luis Marketplace Annexation and
Development Project. As the responsible agency LAFCO staff has
prepared the following comments:

1. The EIR contains relevant information for LAFCO to consider when
valuating any annexation application for the area and when the
Municipal Service Review to update the city's Sphere of Influence is
prepared. The process of compiling this information to complete the
update will proceed pursuant to the Sphere Update Work Plan adopted
by LAFCO. The annexation of the Dalidio property may proceed prior
to the Sphere Update for the City being completed if the appropriate
information is available for LAFCO to consider, including; a description
of the services to extended to the site, the level and range of those
services, when the services can be feasibly extended, a description of
the improvements needed to serve the area, and information about
how those services will be financed.

The Draft EIR contains some of this information in the Utilities and
Traffic sections. The Draft EIR did not appear to include a financial
analysis of the project with regard to the potential economic effects to
the City. A separate report may exist on this topic. If so, it would be
helpful if it were summarized in an appendix of the DEIR.

2. Impacts regarding the conversion of agricultural land are designated as Class 1, significant and unavoidable, as are several impacts to Traffic and Circulation. Mitigation is proposed to reduce impacts.

B

3. To evaluate an annexation a number of factors must be addressed. Some of the following factors have been addressed in the DEIR. Others we recognize are not within the scope of CEQA. The bold indicates factors that may need further analysis, or could be key issues in considering this proposal. Some of these factors could possibly be addressed in the DEIR prior to the annexation being considered by LAFCO:

a. Population, density, land area and land use, **per capita assessed valuation**, topography, natural boundaries, drainage basins, proximity to populated areas, **likelihood of significant growth during the next ten years.**

b. Need for organized community services, **present cost and adequacy of government services and controls**, probable future needs, **probable effects of change of organization and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

c. **The effect of the proposed action or alternative actions on adjacent areas, on mutual social and economic interest, and on the local governmental structure of the County.**

C

d. Conformity of the proposal to Commission policies on providing planned, orderly, efficient patterns of urban development, and with state policies and priorities on conversion of open space uses.

e. **Effect of the proposal on maintaining the physical and economic integrity of lands in an agricultural preserve in open space uses.**

f. Definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment and ownership, the creation of island or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

g. **Conformity with appropriate City or County general and specific plans.**

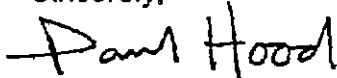
h. The sphere of influence of any agency that may be applicable to the proposal being reviewed.

Ms. Pam Ricci
Page 3
March 24, 2004

- i. The comments of any affected local agency.
- j. The ability of the newly formed or receiving entity to provide the services which are the subject of the application, including the sufficiency of revenues for those services following the proposed boundary change.
- k. **Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.**
- l. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the Council of Governments (COG).

We appreciate being contacted with regard to this project. If you have any questions regarding our comments please contact me at 781-5795.

Sincerely,



Paul Hood
Executive Officer

C
(cont'd)

Letter 6

COMMENTOR: Paul Hood, Executive Officer, San Luis Obispo County Local Agency Formation Commission (LAFCO)

DATE: March 24, 2004

RESPONSE:

Response 6A

The commentor's statements that the EIR contains relevant information for LAFCO to consider when evaluating an annexation application for the area, and that the annexation of the Dalidio property may proceed prior to the completion of the Sphere Update for the City, are noted.

As discussed in Section 5.0, *Land Use*, of the Draft EIR, an independent economic analysis for the proposed project was conducted by Allan D. Kotin and Associates (ADKA; "Fiscal Impact of Proposed San Luis Marketplace and Implications for Downtown Retail Activity", October 25, 2002) to evaluate whether the project will transfer sales from existing retail areas in the City and whether the proposed uses could be developed in existing retail areas. According to this report, the proposed project would have "minimal or only modest detrimental impact on retailing in downtown" San Luis Obispo. Refer to Response 7A regarding the economic impacts of the project.

Response 6B

The commentor's summary of the Class I impacts relate to conversion of agricultural land and traffic, as described in the Draft EIR, is noted.

Response 6C

The commentor lists several factors that would be considered by LAFCO in their evaluation of an annexation. Several of the listed factors, such as topography, drainage basins, future growth in the area, public service and utilities impacts, agricultural resource impacts, and conformity with General Plan policies, are described in the EIR. However, as the commentor acknowledges, many of the listed factors, including economic and social factors, are not within the scope of CEQA. Section 15131 of the State CEQA Guidelines states that an agency may include economic and social information in an EIR but that economic and social effects themselves, "shall not be treated as significant effects on the environment." The focus of any economic or social effect analysis must be on tracing the chain of cause and effect from the project to physical changes in the environment. Therefore, an analysis of the economic effects of the proposed project in regard to infrastructure is not provided in the EIR. However, economic information may be considered by the Planning Commission and City Council in their review of the merits of the project. In addition, the economic information noted by the commentor would be reviewed as part of LAFCO's evaluation of an annexation proposal subsequent to completion of the EIR process for the project.



Letter #7

C: Council Correspondence
File
Shelley
Pam

From: "Don Vokal" <bigdon@thegrid.net>
To: <slocitycouncil@slocity.org>
Date: 1/30/04 8:18AM
Subject: Marketplace

Without the Marketplace, we would probably not need the Prado overpass and all of the additional roads to access it. If, in fact the cost for the overpass is around 15 million and Mr. Bird gets 52% of the sales tax to help him pay for it, what does that leave us? Not much tax revenue for many years. No one has mentioned the cost of access roads to which he will contribute 17%.wow! We are left with a big bill, while he gets lease Revenues.

A

Mr. Bird wrote me a letter in answer to a letter to the editor I wrote. One of his first points was "why was someone who lived in Arroyo Grande so interested in what is going on in San Luis Obispo?" I wondered if he knew where AG was. Those of us who love this county could answer that.(aside from the fact that there are about 50,000 potential shoppers in the five cities area.)

Twenty thousand cars a day plus employees are just too many. The neighbors who complain about farm pollution are trading down environmentally.

B

We already have one longtime hardware store going out of business, now we are going to pit Home Depot vs. Lowes practically within walking distance.

C

If the hotel must be built, a recycling of water such as the Apple Farm has is mandatory.

D

The Dalidios are fine people, and the surrounding zoning has put them in a Questionable position. The property would probably enhance the city more(if it must be changed) with a low profile financial/industrial PARK setting. At least the potential of higher paying jobs would be available and we would not look like anywhere America...You have a large responsibility and a difficult decision for the taxpayer and the property owner. It's your legacy!

E

There is no doubt that the Marketplace will hurt the businesses in downtown SLO where many of us who live in far away AG shop.

F

Joanne Vokal
2514 Huasna Rd.
Arroyo Grande, Ca. 93420

Strange, but the 45 day public input published in paper has yet to have an address. Anyway, you are wearing us down

Letter 7

COMMENTOR: Joanne Vokal

DATE: January 30, 2004

RESPONSE:

Response 7A

The commentor states opinions regarding the expense of infrastructure that will be required to be constructed to accommodate the project. Section 15131 of the State CEQA Guidelines states that an agency may include economic and social information in an EIR but that economic and social effects themselves, "shall not be treated as significant effects on the environment." The focus of any economic or social effect analysis must be on tracing the chain of cause and effect from the project to physical changes in the environment. Therefore, an analysis of the economic effects of the proposed project in regard to infrastructure is not provided in the EIR. However, economic information may be considered by the Planning Commission and City Council in their review of the merits of the project.

Response 7B

The commentor states opinions regarding the increased traffic and related pollution. The traffic analysis in the Draft EIR notes that the proposed project would result in several traffic and circulation impacts that would be considered significant but mitigable with the implementation of identified circulation improvements that would be either directly provided by the applicant, or partially funded by the applicant through the payment of fair share traffic impact fees. As described in Section 4.3, *Air Quality*, of the Draft EIR, traffic generated by the project would increase the number of average daily trips to the area and increase the combustion of natural gas and electricity in the area, all of which would generate regional air pollutants. The impact from the increase in operational emissions is considered significant and unavoidable. Because of this and other identified significant and unavoidable impacts, project approval would require the City to adopt a Statement of Overriding Considerations that states in writing the specific reasons to support the City's action based on the final EIR and/or other information in the record. The California Environmental Quality Act (CEQA) requires the City to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

It should be noted that the replacement of existing active farmlands with the proposed urban uses could result in reduced dust and particulate matter emissions from the site.

Response 7C

Refer to Response 7A regarding the economic impacts of the project.



Response 7D

The commentor requests that water recycling be included in the project if a hotel is proposed. The development as proposed would incorporate water conservation features such as low-flow faucets, drought-tolerant landscaping, and drip irrigation systems. Mitigation measure PU-1(a) as described in the Draft EIR requires that, "The applicant shall prepare plans to use reclaimed wastewater for on-site landscaping, when such supplies become available. By establishing an irrigation system which uses reclaimed wastewater, water supply impacts from the proposed project, and other cumulative development, would be reduced." The implementation of water recycling within the proposed hotel is not required to mitigate any identified impact, but it could potentially be imposed by the City as a condition of project approval.

Response 7E

The commentor suggests an alternative development of a financial/industrial park. In the Draft EIR seven alternatives were analyzed. Alternatives analyzed herein include: (1) a no project alternative; (2) continuance of the site in agricultural use; (3) residential/ commercial retail mixed use alternative 1; (4) residential/ commercial retail mixed use alternative 2; (5) a recreational use amenity alternative; (6) an alternate site project that incorporates the commercial component into a redeveloped San Luis Obispo Promenade shopping mall; and (7) an alternative that involves the same amount of development at the site, where the footprint of the commercial portion would be decreased. This consideration of alternatives meets the requirements of Section 15126.6(a) of the State CEQA Guidelines, which requires that the EIR examine a range of reasonable alternatives to the proposed project that could "feasibly attain most of the objectives of the proposed project, but would avoid or substantially lessen significant effects of the project and evaluates the comparative merits of the alternative." Inclusion of additional alternatives is left to the City's discretion and the comment has been forwarded for consideration. It should be noted that the implementation of a financial/ industrial park with a similar footprint on the project site would result in similar impacts for several environmental issue areas. Refer to Response 7A regarding the economic impacts of the project.

Response 7F

The commentor states the opinion that the proposed project will impact businesses in downtown San Luis Obispo. As discussed in Section 5.0, *Land Use*, of the Draft EIR, an independent economic analysis for the proposed project was conducted by Allan D. Kotin and Associates (ADKA; "Fiscal Impact of Proposed San Luis Marketplace and Implications for Downtown Retail Activity", October 25, 2002) to evaluate whether the project will transfer sales from existing retail areas in the City and whether the proposed uses could be developed in existing retail areas. According to this report, the proposed project would have "minimal or only modest detrimental impact on retailing in downtown" San Luis Obispo. Refer to Response 7A regarding the economic impacts of the project.

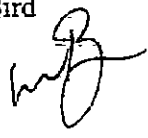


Letter #8

San Luis Obispo Marketplace Associates, LLC

510 South Grand Avenue, Suite 300, Glendora CA 91741
Telephone (626) 963-1505 Facsimile (626) 963-5930

DATE February 4, 2004
TO Pam Ricci, Planning Department
COMPANY City of San Luis Obispo
FAX NUMBER (805) 781-7173
THIS IS BEING SENT BY Bill Bird
NUMBER OF PAGES (INCLUDING COVER SHEET) 11
IF UNREADABLE PLEASE CALL TEL:(626)963-1505 FAX:(626)963-5930



RE: San Luis Obispo Marketplace / EIR

Attached are our comments to the draft EIR. In the first EIR we feel that Rincon and the City disregarded most of our requested changes. If the City wants this project to happen these comments must be taken seriously. Please call if you have questions.

Copy Andrew Merriam

SAN LUIS OBISPO MARKETPLACE EIR 2004

1. Page ES-1
The current project size is less than 620,000 square not 635,200 square feet as shown. | A
2. Page ES-2, Table ES-1
We question the statement "the site has a potential for subsidence". This is a misleading comment. The location where the subsidence occurred due to the City pumping from new wells southeast of our site was due to never having water pumped from that area of the aquifer. The Dalidio property has been pumping water for many years and any settling would have occurred by now. A good example is when the City pumped substantial amounts of water in addition to the water being pumped for Ag uses of water near the Embassy Suites Hotel and no subsidence occurred. | B
3. Page ES-6, Table ES-1
It states that if groundwater is encountered and it tests for PCE it must be treated prior to being released into the watershed. This aquifer is known to contain PCE and historically has been and is used to irrigate crops. It is unreasonable to now say it must be treated. Delete | C
4. Page ES-9, Table ES-1
It states that by losing pervious area it increases flood hazards. Canon's analysis shows that by getting the water off the property quickly it actually lessens the flood hazard. Please revisit this statement. | D
5. Page ES-16, Table ES-1
We have made it clear from the beginning that we will provide 1 bicycle space per 50 parking spaces due to the large size of this project and the type of stores. Based on my experience operating the Central Coast Plaza project only 5% of the bicycle spaces we provided were used and none of the lockers were used. This provision must be changed. | E

WE also want to see credit given for improved air condition in the region by reducing trips to Santa Maria. | F
6. Page ES-21, Table ES-1
There is reference to a Los Osos Valley collector road. This concept was abandoned several years ago and the current plan does not consider a "collector road" due to the unlikely ability to obtain right of way through the Madonna property. This reference should be deleted here and elsewhere. | G
7. Page ES- 24, Table ES-1
It states build out would affect riparian and wetland habitat. This is not true. There are no wetlands close to the development. Please delete this Section B10-3. | H
8. Page ES -26, Table ES-1
Why does it state water for ag uses will be provided at current rates and then go on to state water will be provided by existing wells? | I

9. Page ES- 27, Table ES-1

The proposed 100 foot buffer between ag uses and urban uses is not practical and will not be designed into the project. I recall there was previous discussion this buffer would apply to public entrances to buildings, which will work. If not the buffer or a portion of it will need to occur in the open space dedication.

J

10. Page ES- 28, Table ES-1

Considering the trees to be removed are in poor condition and an undesirable species, 36 inch box should be changed to 24 inch box due to availability and cost.

K

11. Page ES-30, Table ES-1

This section P U needs to be rewritten to reflect the following:

1. We are not paying water impact fees.
2. The after project result is use of less water than prior ag.
3. The demand on City water supplies is considerably more than offset by the City use of Dalidio wells.
4. The site provides for the ability to disperse City reclaimed wastewater to recharge the aquifer.
5. Why is relocation of utility lines considered a Class 11 impact? This is a very routine process and all utilities are adequate to serve the project.

L

M

N

O

12. Page ES-33, Table ES-1

Section CR-2(b) is ridiculous. This property has been cultivated and disked for more than a half century with no archeological findings. Please delete this section.

P

13. Page ES-33, 34, Table ES-1

Delete Section CR-2(d). This can be adequately covered by Section CR-(2). This is not an archeological sensitive area.

Q

14. Page ES-36, Table ES-1

In Section T-(c) and others clarify this funding will come from the Traffic Impact fee paid by the project. All reference to paying for street improvements off site should provide for payment to come from the project Traffic Impact fee.

R

15. Section T-1 through T-16

It should be noted that Caltrans stated in a meeting with them on 2/26/04 that the 101 interchange at Madonna and Los Osos will operate more efficiently with less traffic once the Prado road Interchange is built.

S

16. Page ES-39, Table ES-1

Delete Section T-7 (a) as this is to be done as part of the LOVR project. The Prado Road project will only provide Aux lanes between Madonna and Prado. This was intensely discussed in prior years and Caltrans agrees.

T

17. Page ES-41, Table ES-1

Regarding Section T-10(a) on several occasions we have asked for some direction to identify the transit stop locations and have yet to receive a response.

U

18. Page Es-44, Table ES-1

Delete Section T-14(a) as this is not possible and refers to the nonexistent "connector road". Delete all references to the "collector road". The proposed road on the west side of the project will access to the Marketplace, residential and future office park, only.

V

19. Pages 7-1 through 7-24

This Section is confusing. The alternative numbers need to be shown. It also appears the inclusion of our proposed 4 acre Affordable Housing site is shown as an alternative but not sure which one. I thought the EIR was to include 4 acres of housing in our proposed project. How do we do this, approve an alternative instead of the proposed project?

W

20. Page 4.10-56, Figure 4.10-23

It appears the recommendation is to not have a median opening at intersection "B". Macy's is requiring an opening at this point with left turn lane westbound on Dalidio Drive.

X

Letter 8

COMMENTOR: Bill Bird

DATE: February 4, 2004

RESPONSE:

Response 8A

The commentor requests a revision to the size of the proposed commercial area. As stated in Section 2.2 of the Dalidio Annexation Development Plan and Section 2.0 of the Draft EIR, the project includes approximately 635,000 square feet of commercial area, which reflects the project application on file at the time of circulation of the Notice of Preparation (NOP) for the EIR.

Response 8B

Refer to Responses PC-69.

Response 8C

Mitigation Measure GEO-6(C), on pages 4.1-17 and ES-6 of the Draft EIR, has been revised as follows:

“GEO-6(c) In the event that groundwater is encountered during construction, all construction work in the vicinity of the groundwater will be halted. **RWQCB shall be contacted to determine appropriate remediation actions. This could involve testing the groundwater shall be tested for TPH and PCE, and treated treatment of affected groundwater** to a concentration below RWQCB standards, by a City approved registered environmental assessor or environmental engineer in consultation with RWQCB before the water can be released into the watershed, **and/or other remediation actions required by RWQCB.**”

Response 8D

Refer to Response PC-25.

Response 8E

The commentor requests a revision to mitigation which requires bicycle parking spaces.

Mitigation Measure AQ-4(a), on pages 4.3-15 and ES-16 of the Draft EIR has been revised as follows:

“AQ-4(a) The applicant shall develop and operate an employer-based Transportation Management Program per Clean Air Plan TCM T-1C, which incorporates the following provisions:



- b. Bicycle racks and/or bicycle lockers ~~at a ratio of 1 bicycle parking space for every 10 car parking spaces~~ **of a number and design in accordance with Section 17.16.060 (E) of the City of San Luis Obispo Zoning Regulations (July 31, 2003)** shall be installed for customers and employees, **or at a ratio otherwise acceptable the SLOAPCD to be determined prior to occupancy clearance;** and
- b. Carpool, vanpool and transit information shall be posted in employee break/lunch areas."

Response 8F

The commentor states the opinion that the project should receive air quality impact "credit" for reducing the number of vehicle trips to Santa Maria. The Draft EIR follows the guidance and methodologies recommended in the APCD's CEQA Air Quality Handbook (April 2003) which evaluates baseline conditions and baseline plus project conditions. The URBEMIS 2002 for windows computer modeling program, which was developed by the California Air Resources Board, was utilized in estimating composite mobile emission factors and is based on the number and length of vehicle trips to and from the proposed project without consideration of transferring trips from one development to another.

The effect of the project on regional shopping patterns is somewhat speculative. As a result, any estimate of the reduction in vehicle emissions attributable to the provision of the proposed commercial retail uses would be speculative. As stated in State CEQA Guidelines Section 15126, "If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."

Response 8G

The commentor questions the inclusion of the Los Osos Valley collector road in the proposed project. Section 5.2 of the Dalidio Annexation Development Plan and Section 2.5.1(a) of the Draft EIR describe a potential connection to Los Osos Valley Road from the southwest corner of the site. The EIR provides an analysis of all components of the proposed project. This connector road is required to reduce the impact of project + cumulative conditions traffic at the intersection of Los Osos Valley Road/Madonna Road.

Response 8H

The commentor questions the presence of riparian and wetland habitat on the site. As described in Section 4.5, *Biological Resources*, of the Draft EIR, construction practices, the development of the Los Osos Valley collector road across Prefumo Creek, widening of the Prado Road bridge over San Luis Obispo Creek, and increased human use on-site could have short and long-term significant impacts to wetlands. Impacts include siltation and run-off to the creek affecting water quality and, cut and fill within Prefumo Creek and removal of vegetation for the road, and auxiliary lane for U.S. Highway 101 (depending on final project plans).



Response 8I

The commentor requests clarification as to whether water for agricultural use will be provided by existing wells or from the City at current rates. The statement that “water cost shall be a current rates” refers to the water cost charged by the applicant to the on-site farm operation. This measure is intended to ensure the viability of the on-site farm operation proposed to continue on the project site following project implementation.

Response 8J

Refer to Response PC-31.

Response 8K

The commentor questions the need for replacement trees to be in 36-inch boxes. Mitigation measure AES-1(a) calls for tree replacement on a 1:1 basis with a tree of minimum 36-inch box size. The initial maturity of the trees is an important component of the mitigation measure which will reduce aesthetic impacts to the Highway 101 viewshed. The large mature trees on the property also provide valuable perching and nesting habitat for several sensitive species of birds. Lost nesting/perching sites must be replaced as soon as possible and installation of large 36” replacement plantings is therefore appropriate.

Response 8L

The commentor states that the project will not be subject to water impact fees.

Page 4.8-9, second full paragraph, has been revised as follows:

“Mitigation Measures. No mitigation would be required with the payment of Water Impact Fees **or other methods by which the applicant** pays their fair share of the cost for new supplies of water. However the following mitigation measure is recommended to reduce the cumulative impacts of increased water demand from the proposed project and other future development.”

Response 8M

The commentor states that the project water demand is less than the current agriculture water demand. As stated in Section 4.8, *Public Utilities*, of the Draft EIR, the project would reduce the demand for groundwater compared to existing conditions, but will increase the demand for potable City water supplies.

Response 8N

The commentor suggests that the demand of the project on City water supplies is offset by the City use of groundwater below the project site and that the, “site provides the ability to disperse reclaimed wastewater to recharge the aquifer.” As described in Impact PU-1 in Section 4.8, *Public Utilities*, of the Draft EIR, although the project would reduce demand on the groundwater basin by approximately 240 AFY, due to the conversion of agriculture to urban use, the project would



increase demand on City of San Luis Obispo potable water supplies by an estimated 103.6 AFY. The ability to disperse reclaimed wastewater on-site may be considered as a project benefit related to groundwater resources, but would not reduce the project's demand on City potable water supplies.

Response 8O

The commentor states the opinion that the relocation of utility lines should not be considered a Class II impact. Impact PU-3 states that, "implementation of the proposed project would require the relocation and/or protection of existing utility lines located on the project site. Project construction could result in a disruption of service in order to accomplish relocations. Mitigation includes the preparation of a Utility Relocation Plan, use of underground utility alert services, and a construction period public outreach and communications plan.

Response 8P

Both cultural resources surveys conducted in 1999 and in 2000 identified the potential for buried archaeological remains on the site. Such archaeological resources could be present on the site at a depth below that typically tilled/disked as part of normal farming operations. Mitigation measure CR-2(b) is proposed to assess whether any archeological remains are present prior to development on the site, and if found, they are properly evaluated.

Response 8Q

Refer to Response 8P.

Response 8R

The commentor's statement that Caltrans has indicated that the Highway 101 interchanges at Madonna Road and Los Osos Valley Road will operate more efficiently with less traffic once the Highway 101/Prado Road interchange is implemented is noted.

Response 8S

The commentor states the opinion that the mitigation requirement for the project to contribute its fair share, as determined by the City, to the construction of a southbound auxiliary lane between Prado Road and LOVR is not warranted because the improvement will be performed as part of the Los Osos Valley Road project. Mitigation Measure 7(a) is required to reduce the projected freeway operations impact to a less than significant level. The LOVR interchange is not a fully funded improvement and therefore cannot be assumed to be implemented in time to mitigate the projected impact. The timing and source of funds for implementing Mitigation Measure 7(a) will be included in the Mitigation Monitoring Program for this project.

Response 8T

As described in Mitigation Measure T-10(a), potential locations for transit stops include the intersection of Madonna/Dalidio, Prado Road at the main project driveway and an internal project transit stop.



Response 8U

Refer to Response 8G.

Response 8V

Alternatives may be referred to as:

- Alternative 1: No Project Alternative;
- Alternative 2: Continuing Agricultural Production On-Site;
- Alternative 3: Residential/Commercial Mixed Use Plan 1;
- Alternative 4: Residential/Retail Mixed-Use Plan 2;
- Alternative 5: Recreational Use Amenity Alternative;
- Alternative 6: Incorporation of the Commercial Component into the San Luis Obispo Promenade Shopping Center; and
- Alternative 7: Reduced Commercial Footprint.

A four-acre affordable housing site is included in the Residential/Commercial Mixed Use Plan 1, Alternative 3. An affordable housing component is not mentioned in the Dalidio Annexation Development Plan or Section 2.0 of the Draft EIR. Final approval of the project may include a revised project within the scope of the environmental review contained in the EIR. An alternative may be adopted by the City Council as the project with the inclusion of appropriate findings.

Response 8W

As described in the “significance after mitigation” section for impact and mitigation measure T-13, in Section 4.10, *Traffic and Circulation*, of the Draft EIR, coordination with SLO Promenade in accordance with measures T-13(b) and (c) cannot be assured. Therefore, these measures are potentially infeasible and impacts may be considered significant and unavoidable.

Response 8X

Mitigation measure T-13 (e) describes one option for mitigating impacts to Dalidio Drive under buildout conditions. This option includes a redesign of the Dalidio Drive/collector street intersection but maintains the left turn lane onto the site for westbound traffic on Dalidio Drive.



February 23, 2004

Re: Comment on Dalidio Marketplace Draft EIR

Letter #9 (1)

To the Planning Commission:

This EIR needs a lot of work yet to be adequate. Here are some comments I hope you will push to have included. I reserve the right to make additional comments in writing at a later time.

1. Traffic Impacts. The EIR focuses on traffic impacts in the immediate vicinity, forgetting that since this huge retail development is designed to be freeway-accessible, it will draw traffic to the freeway along surface streets far removed from the immediate vicinity. The scope of the traffic impact study needs to be expanded city wide to those select locations where there will be clear impacts.

One such location is North Broad Street, which while a neighborhood street has unfortunately been altered so it is also a freeway on-ramp. At the present time, the street, which is nearly entirely single family residential in an otherwise highly desirable neighborhood, is being subjected to more than twice the maximum traffic load the city has pledged to try to maintain. The Dalidio project will increase that load by about 1,000 vehicles per day, a load one-third again as large as the maximum the city has pledged to maintain. I do not see how the city can claim such an increase in traffic impact to a neighborhood is OK, and not in need of mitigation.

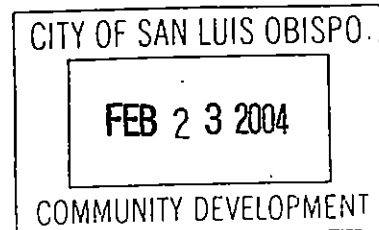
[Note: When I raised this issue during the previous Dalidio EIR round, the consultant responded by lying about the amount of traffic currently carried by North Broad Street, lying about the amount Dalidio would add to it, and lying about the impacts of that traffic on the neighborhood, and even when those gross errors were pointed out, refused to correct them.]

A

Here is what I wish the PC to do:

1. Direct that the traffic impacts of the project on North Broad be included in the traffic analysis and mitigation measures.
2. That the full impact on safety, quality of life, neighborhood air pollution, noise, water quality impact to the neighborhood creek from increased street runoff, etc., be included, and impacts mitigated.
3. The impact of having even more Broad Street traffic merging with the Highway 1/Santa Rosa Street traffic (southbound) raises serious safety issues because the two interchanges are only one short block apart. It would make sense for the traffic study to include the possibility of closing the Broad Street ramps and consolidating interchange movements at Santa Rosa both in the interests of safety and freeway traffic efficiency. Such a change would be consistent with the Circulation Element.
4. That Broad Street mitigations considered include all forms of traffic calming, traffic pattern revision, traffic diversion, and up to closure of the freeway ramp, such that additional traffic is not added to this already overburdened residential street as a result of approval of this project.

2. Project Alternatives need to address at least the following:



This project, on lush farmland at the freeway periphery of the city, is in the wrong place. A more economically productive and less environmentally damaging alternative could be located on already-developed urban land.

The Mid Higuera Area (Marsh to Madonna) is the ideal location for retail commercial redevelopment for an in-town mall-like shopping area, similar to Santa Barbara's wildly successful Paseo Nuevo. This could accommodate the uses contemplated at Dalidio. There's hardly a building in the area with architectural worth, the existing service commercial uses are inappropriate for such prime in-town real estate, the area is a blight and cries out for improvement.

On the positive side, infrastructure is already in place, the location is adjacent to downtown, and there is excellent freeway access to both ends of the district (at Marsh and Madonna). Look at this as a land asset -- how many cities are fortunate enough to have such a great commercial land resource practically in the center of town?

Imagine, for a moment, how this redevelopment might work. There could be parking structures at either end, each with ready freeway access. Shoppers would be encouraged to leave the freeway and immediately park, then negotiate the beautifully-developed pedestrian mall's "streets" on foot as they do in Santa Barbara. (Santa Barbara's Paseo Nuevo, however, lacks one of the strengths of this site -- direct freeway access. Think how that can draw in out-of-towners to spend their \$\$\$ here!) Instead of bringing shoppers to the periphery of the city (as would be the case with a Dalidio mall) for a generic and unexciting shopping experience undifferentiated from that of any other freeway city, where furthermore shoppers are isolated from everything but the mall, here they would be parked practically in downtown. Stepped up trolley service linking the Lower Higuera "mall" and downtown would be a convenient way to keep freeway-oriented shopping traffic out of downtown, while boosting the strength of the downtown shopping district. Unlike the Madonna Road malls, this mall would reinforce rather than compete with downtown simply by dint of its location. Given time, the several blocks along Higuera and Marsh between the Lower Higuera Mall and downtown would fill in with shopper-friendly uses, and there would be a continuous "downtown shopping area" that included the new mall, just as in Santa Barbara. (By contrast, that will never happen with the Madonna Road locations -- there's too much commercial junk in between, plus the freeway is a pedestrian-unfriendly wall.)

This location would be perfect for the sort of large anchors people here say they want -- perhaps a Macy's or Nordstrom or some other upper scale retailer would fit in just as they have done in the elegant Paseo Nuevo.

By redeveloping this area instead of proliferating sprawl at Dalidio, we could create the sort of in-town shopping experience all our planning efforts say we want, rather than subscribing to the expansion of speculative SprawlMart shopping opportunities that have always been our second choice, and whose carcasses of late -- and soon again if Dalidio goes ahead -- littered Madonna Road -- and litter in even greater numbers nearly every other California city that has pursued that route.

Here is what I wish the PC to do:

Direct that the EIR give a full review of the environmental pros and cons of Dalidio development

versus a Mid-Higuera alternative, including all environmental impacts the Mid-Higuera alternative would not cause or would mitigate better than Dalidio.

B
Conti

3. Project Alternatives need to address at least the following:

Better uses for the Dalidio land.

1. It is obvious this signature agricultural working landscape is more valuable to the city's image than a shopping center.

C

2. This community symbol cannot be sustained if the proposed development proceeds.

3. This property is of unique value for water production for a city which needs more water for future growth. Just over a decade ago, when the city was serious about pursuing such water sources, it hired Boyle Engineering to determine how much the land could supply. Boyle's answer was over 2,000 acre feet per year sustained yield. (This is due in part to the fact the aquifer refills very quickly, even in years of relatively low rainfall.) This quantity of additional water would more than meet the city's buildout need for new water sources. The city, however, now more interested in importing water from other ecosystems than in living within our ecosystem's means, has changed its estimates of the value of this aquifer accordingly, based not on new information, but on the political needs of the moment. One of those needs for downgrading the water capacity of Dalidio is making water extraction compatible with the proposed development.

Development of the property as proposed is not compatible with an ambitious water extraction program because of a lawsuit the city decided to lose several years ago, the Bear Valley Shopping Center suit, in which the city ended up with a multi-million dollar judgment for building damage allegedly caused by land subsidence allegedly caused by the city's ambitious ground water pumping during a drought.

If the Dalidio Marketplace were NOT built, there would be no liability-based hesitancy on the city's part to an ambitious pumping program on the property. There would be no need to limit water extraction to hundreds of acre feet per year when thousands are available.

D

Since at present, the land has only agricultural value, without development entitlements, its price in condemnation would be relatively modest according to the city's \$50 million plus cost of joining the Nacimiento Pipeline Project. We can now compare costs, and impacts, with some sense of knowledge -- which we couldn't do several years ago when Nacimiento costs were up in the air.

If the city were to purchase the land for its water production value, a variety of compatible open space uses could be possible, including continuation of the existing signature agricultural operation.

4. Furthermore, if the city were to own the land, it could use it to multiply its supply of potable water for municipal use while also saving money on future sewage treatment plant expansion. Land dispersal of secondarily treated sewage effluent, percolation through the soil and into an aquifer is a very cheap way to purify water and make it suitable for domestic use. I have no

estimate of how much additional potable water could be created this way, but it seems reasonable if the city could continue recharging the aquifer all year round -- by natural means in winter, by spreading effluent on the land in the summer -- capacity might be increased substantially, perhaps close to doubled. This has the benefit of being a highly ecological way to augment our water supply, by closing the circle of its use. It would be far cheaper and more efficient than the costly scheme of piping tertiary-treated effluent all over town for landscape use. But it would require a substantial land base for it to work.

D
(cont'd)

Here is what I wish the PC to do:

Direct that the EIR give a full review of the environmental pros and cons of Dalidio development versus municipal acquisition of the land for dedicated water extraction and water recycling as described above. This analysis should compare the estimated cost of water from the two Dalidio sources with that from Nacimiento.

5. Destruction of the World's Finest Agricultural Soil.

The EIR should explain why it is not a crime against humanity and against the earth to destroy a patch of the finest farmland in the world so the city may temporarily enrich itself from sales tax obtainable elsewhere (see #2 above, for example), while it is a known fact that such land globally is being destroyed rapidly even as the world's population booms and nations, like China, which have always fed their own people, are now joining the US in importing substantial parts of their food supply. The EIR needs to explain how people are going to be fed if every city behaves in the same manner as SLO is behaving in this instance -- making a finding of "overriding considerations" that more shopping opportunities are more important than protecting the land which produces our food so bountifully. The EIR needs to explain how people are going to afford food which, because of Chinese expansion into the global market, is expected within the decade to experience price shocks comparable to the gas price runup of the 1970s, or the more recent housing cost markup. The EIR needs to explain why it would not be preferable to keep this small, but bountiful, patch of soil to sustain our community's future need for certain types of food.

E

Here is what I wish the PC to do:

Direct that the EIR respond fully to these questions.

6. Incorporation of earlier EIR scoping and draft comments. By incorporation, I want all my comments from the previous Dalidio EIR process, including both those at the scoping and draft stages, to be incorporated into my comments for this second EIR process. Those comments are available to the consultant from the printed record. (As far as I can tell, only one has been adequately dealt with in the present draft EIR: that relating to restraint of items stacked above 8 feet in retail areas.) By incorporating these earlier comments, I expect they will be responded to just as the comments above will be.

F

7. Reservation to make additional comments. These comments are being directed via the Planning Commission. Since the comment period remains open, I reserve the right to make additional future comments on the draft EIR.

Thank you very much for considering these comments.

Richard Schmidt

March 8, 2004

Letter #9 (2)

Pam Ricci
Community Development Department
City of San Luis Obispo

Re: Comments on Dalidio DEIR

Dear Pam:

Thank you for notifying me that my request to incorporate my previous EIR comments into my present ones is not being honored by the city, and that I must resubmit those comments.

I am quite concerned with the city's position on this, and think it indicates the city is still doing its best not to deal fully and openly with the process of getting community input. The distinction between an "old" project and a "new" one is quite beyond the public's awareness; to the public, Dalidio is Dalidio, regardless of the technicality of whether it is the "same" project or a "new" project. I suspect there are many persons who, like myself, contributed comments earlier, and assume those comments are still on the table and being worked into the current DEIR (this is the third EIR, if my count is complete). I feel strongly that the city CAN consider any comments on Dalidio it wants to consider, provided they've been formally offered, and that if the city were interested in a fully transparent and open process, it WOULD consider ALL comments, regardless of where they were presented in what has become an extremely convoluted EIR process. Why would the city seek to limit what's scoped by adopting an exclusionary procedure? Doing this simply builds further ill-will for the project, and hands project opponents yet another example of why the project should be rejected. It is very poor public relations on the city's policy to do this.

G

Thus, even though you have stated the city's policy to be otherwise (a rather minimalistic interpretation of CEQA, it seems), Lurge YOU to adopt a more generous approach by culling all the comments previously submitted, and directing the consultant to respond to them, whether those comments were submitted during the "current" phase or not. Clearly you CAN do this, since as staff you can and do offer whatever comments and directives you wish to the consultant, and direct them to respond to them. Clearly, unlike mine, such comments will not appear in the back of the book, but they will at least be responded to, which is what their submitters sought.

Given the late notice of this stance by the city, I do not have time to revise and edit my earlier comments, so I am literally resubmitting them as originally written. Obviously, there are references to specific mitigation measures and the like from the previous drafts, and these references are not numerically applicable, but the content of most of the comments is still relevant, and should be taken as comment on the current effort, regardless of the current numbering (or lack thereof). I can establish that only one of the comments was actually dealt with in the current draft (the one concerning restraint of stacked goods in warehouse stores such as Lowes and Target), and thus the comments are still in need of being dealt with.

As you can see, a primary issue dealt with in the attached comments is the distal traffic impact of the project, specifically on North Broad Street. This was also raised in my recent comments to the Planning Commission, but here there is additional detail. One point I'd like to cull from my March 27, 2000, Revised DEIR scoping comment letter (which otherwise I'm omitting due to repetition with other included comments) concerns traffic safety on North Broad Street. In that letter, I wrote:

H

"I wrote in my earlier comments concerning the relation between traffic volumes and safety about residents'

vehicles being frequently damaged. Just three weeks ago my classic vehicle sustained major damage while parked in front of my house -- an apparent hit and run, leaving me with a severely damaged car, and apparently having to foot the cost (estimated at over \$1,000) out of pocket. About 10 years ago, same thing happened to same car. **All my neighbors have similar stories.** *How much vehicular loss is it fair to push onto us by turning our neighborhood street into a throughway? When is enough enough?*

H
(Cont'd)

"What about a history of serious injury accidents? We've had lots. I know of one bike-car fatality, and another bike-car near fatality on North Broad. On Feb. 2, 2000, the *Tribune* carried a short article and photo about a skater-car collision. This happened right in front of my house, my parked-since-injured auto being in the photo in the newspaper. The skater, described as a 15-year-old in the paper, is actually a world-class performer, not the sort of kid who normally loses control and runs into cars, but one who fell victim to unsafe conditions created by excessive vehicular traffic on a residential street. Talking to neighbors after that, we came up with two other similar child-vehicle injury accidents *that we know of* which have taken place in about the last two years. *How much blood do residents of our neighborhood have to spill before we get some attention, and put an end to engineering consultants carrying the day by claiming the street has no "operational problems?" We know otherwise, but nobody listens to us.*

"Safety is clearly an issue on North Broad now, and with Dalidio-bound cars using this narrow neighborhood street as a throughway to Highway 101 -- driving with the utter disregard for the neighborhood hurrying freeway-bound drivers are wont to exhibit -- safety problems will multiply quickly. This impact must be mitigated through the EIR process."

Sadly, safety continues to be a concern. My household has literally had many thousands of dollars of damage done to our vehicles for the "crime" of parking them in front of our house. Our large insurer's claims department knows us by name, this happens so frequently. This is outrageous. As often as not, the damage is hit and run, and the police do nothing about it. Most recently, about two weeks ago, a vehicle which was not exceeding the speed limit, struck two parked cars, one of which belonged to us. That car, an excellent older vehicle my wife used to commute 70 miles per day, has been totaled, leaving us with too little money from the settlement to replace the car with anything decent. More recently, this past weekend, a hit-and-run totaled a vehicle parked near Mission Street. If you come out today, you can see the plaintive sign placed there by the owner, seeking information about this outrage. This is safety on Broad Street without an extra 1,000 or more cars per day caused by the Dalidio project. As I wrote in 2000, "*How much blood do residents of our neighborhood have to spill before we get some attention?*" It is criminal of those who compose EIRs not to deal with this issue.

I trust that you will see to it this time that the North Broad traffic issue is dealt with by the consultant, and not kissed off as it was last time 'round.

Sincerely,

Richard Schmidt

Attachments: Comments dated September 14, 1999 and May 16, 2000

September 14, 1999

Comments on DEIR "Dalidio Property Annexation"

While it is hard to fault the DEIR's obvious conclusion that no project is environmentally preferable to building an unneeded shopping center atop one of our community's last remnants of the world's best farmland, there are many faults with this DEIR.

The purpose of an EIR is to provide the public and decision-makers with an accurate and reasonably complete picture of the environmental effects of a project prior to project approval, and to point out how those effects may be eliminated or reduced. This EIR fails this test, mainly because it smothers its few good points beneath a flood of regulatory minutiae that have no place in an EIR.

I

The scope of the DEIR's focus is too narrow. This project dwarfs San Luis Obispo in its size and impacts. It will forever change the environmental quality and quality of life for all citizens, mainly for the worse. That the DEIR has chosen to ignore community-wide impacts is wrong, and it is disgraceful that those who directed the scoping have directed the consultant to ignore these wider direct community impacts. The manner in which my own contributions to the scoping were ignored (see the documents in the scoping section) illustrates how narrow-minded this whole process was made to be.

J

The framework of an EIR for a project of this sort (proposed to destroy for all time our community's most noteworthy example of the scarcest and most productive agricultural soil on the earth) is supposed to clearly delineate the conflict between short-term use vs. long-term productivity, and to attempt to find ways to resolve that conflict. This one fails that test.

K

Finally, the EIR is supposed to provide specific, measurable, doable "mitigations" that lessen the environmental effects of a project. This one fails to do so since its mitigations are simply a mess. Some call for future studies to be done. Future studies aren't mitigations (how can they be, since we don't even know what they will say?), and the courts have made this clear. Other "mitigations" state that such and such a code should be followed; those too aren't mitigations, for codes must be followed whether the EIR so states or not. Other mitigations are verbal gobbledygook that makes no sense. Either their authors are illiterate, or this document wasn't proofread.

Overall, the mitigation portion of this DEIR is so poor that it should be sent back to the drawing board. In my opinion, this DEIR is nothing more than a rough draft, and should never have been released. That such a document was released for public review speaks poorly of the consultant's pride and care in their work and worse for the environmental integrity public agency that permitted it to be put out for public review. It is insulting on its face to put out a document like this and expect the public to have to pick it apart item by item in order to put any integrity into it.

L

I THEREFORE REQUEST THAT THIS DOCUMENT BE SENT BACK TO THE DRAWING BOARD. IT IS TOO FLAWED TO BE ALLOWED TO PROCEED TO A FINAL EIR BASED UPON THIS FLAWED INITIAL PRODUCT.

An example of the narrow focus of the DEIR is in its discussion of traffic impacts. We are flooded with meaningless analysis of what will happen at such and such intersection in direct proximity to the project, but tangible and serious effects further afield are ignored, despite a request during scoping that they be examined.

M

• The DEIR fails to deal with traffic impacts of the project outside of the immediate project vicinity. There are

M
(cont'd)

many sites where these are at the level of CEQA significance, but I shall confine my comments to one particular street, North Broad Street, which, because of its freeway ramp, will bear the direct brunt of this project's drawing ever-increasing amounts of city traffic from the Foothill area to Highway 101, from which a direct off-ramp connection will be constructed to serve the proposed project. No reasonable person can deny that this project's traffic impact on North Broad Street -- due to the size, design and occupancy of the project -- will be significant. Further, the existence of public controversy about an impact (and this letter is *prima facie* documentation of the existence such controversy) elevates the impact to significant under CEQA regulations. The project EIR therefore *must* deal with mitigating traffic impacts of the project to North Broad Street.

Aside from a senior housing complex and two small stores, North Broad from Ramona south is 100 % single family residential. Most of the houses are small, and close to the street, many at the 20-foot minimum setback. The neighborhood is full of elderly persons, children, and pets who are at direct danger from heavy quantities of speeding traffic cutting through the neighborhood to get to Highway 101. The city's Circulation Element classifies North Broad as a residential collector, and states that maximum traffic flows should not exceed 3,000 cars per day. The city has no accurate traffic counts, but this well-informed observer estimates present traffic at about twice the CE's maximum, and increasing. *Given the size, design and tenancy of the proposed project, this correspondent estimates the increase in traffic on North Broad due to the completion of this project alone will be conservatively 1,000 additional vehicles per day.* Such estimates are consistent with the city's DKSS study of traffic impacts at general plan buildout, which estimated "gridlock" conditions on North Broad if impacts weren't mitigated. Through trucks are prohibited on North Broad, but with a total lack of city enforcement, trucks of all sizes and descriptions use the street with impunity to access the freeway. And hundreds of building contractor vehicles, making runs to supply centers, use the street throughout the day. As a direct result of this increasing traffic, what has been a remarkably stable neighborhood (ownership/residency in the 100 block has averaged about 20 years duration) is in clear decline. It is unfair for the promoters of this project to pocket their profits at further cost to the property owner residents of North Broad. The project promoters must pay to mitigate their share of the increase in North Broad traffic due to their project's coming into existence.

Traffic impacts on North Broad which will worsen with traffic from this project include:

- Increasing amounts of traffic, estimated conservatively at an increase of 1,000 vehicles per day, on average, with more during peak shopping periods such as before Christmas and before the beginning of the school year. Since traffic on the street already exceeds the 3,000 vehicles per day maximum called out in the General Plan Circulation Element, this project's traffic impacts on North Broad are in direct conflict with long-standing city plans and achieving the community goals enumerated in those plans. Conflict with adopted plans is itself a cause for CEQA mitigation.
- Safety. The quantities of traffic projected on North Broad make this narrow street unsafe for residents, their automobiles, their pets, their elderly neighbors, their children, and bicyclists. Traffic quantity is already so great that it is difficult to use driveways, and often difficult to enter cars parked on the street and to pull out of parking spaces into the flow of traffic. As traffic increases, the street takes on the character of a thoroughfare rather than a neighborhood access route, and speeds increase and driver politeness and consideration decrease. This situation is incompatible with the continued quality of life in this neighborhood, and conflicts with adopted city goals to protect the livability of neighborhoods. Both the health and safety aspects of the increase in traffic caused by this project, and the conflict with adopted community goals, require mitigation of the increased traffic caused by this project.
- Safety 2. The freeway ramps at North Broad are incapable of handling traffic safely, due to outmoded design (20 mph curves in both directions which have caused many accidents involving cars flying across the off-ramp median into the ramp heading into the opposite direction); narrow street width at Broad Street end of ramp (which creates the potential for head-on collisions on the Stenner Creek bridge, especially when trucks are entering or leaving the freeway); proximity (just over one short block away) from Santa Rosa/Highway 1 ramp (getting off at Broad requires merging across this heavy on-flow; getting on at Broad requires merging into traffic that's contending with its own merging problems and isn't ready to contend with mergers coming from the right). This ramp is completely unsafe as it stands, and will become a menace to life and limb if more traffic is put onto it, as this project will do. This impact requires mitigation.

• Noise. Traffic of the volume experienced on North Broad produces substantial noise which renders front yards useless and impacts rooms within the street's homes as well. (Most of the homes are older, ranging from 1920s to 1950s, and thus do not incorporate modern noise mitigating construction techniques. Furthermore, when they were built, the street was a quiet neighborhood street.) This writer has performed a noise analysis on his own property and has found has measured noise levels in the front yard, and has found that typical compact to intermediate-sized individual passenger vehicles traveling within the 25 mph speed limit produce noise levels of 66 to 69 dBA near his front door. For cars exceeding the speed limit (which most do because of a lack of enforcement and the removal of the previously successful speed control bumps), for muffled motorcycles, and for trucks, noise levels of 72 to 79 dBA are common. This writer measured other vehicles, including a city street sweeper, at noise levels up to an ear-splitting 92 dBA. Clearly, such noise renders the front of one's property unfit for human use.

In my own case, which is fairly typical, two of my home's four rooms face the street, the living room and bedroom. The street traffic noise thus impacts interior functions of my home to the extent that I've had to abandon the bedroom for sleeping, and sleep in the former family room at the rear of the house. A person who recently slept in the living room, which is more protected from noise than the bedroom, spontaneously remarked the next morning: "I can see why you sleep out back." This person reported that significant traffic noise continued all night.

Noise is not simply an esthetic issue. The health effects of exposure to even moderate levels of traffic noise are well documented. Physiological responses to noise levels such as those encountered routinely along North Broad include effects upon heart health and function and breathing, eye dilation, blood vessel contraction and blood pressure increases. Fatigue and nervous strain are commonly experienced with even moderate noise exposure. See, for example, the brief discussion of this in *Quieting: A Practical Guide to Noise Control*, National Bureau of Standards, where it is concluded that physiological adaptation to noise simply does not occur -- that health damage continues no matter how "accustomed" humans become to noisy surroundings.

The proposed project, by significantly increasing traffic volumes along North Broad Street, will also significantly increase noise levels in the neighborhood. This is a significant health issue which requires mitigation. The health impacts of neighborhood noise exposure also conflict with adopted city goals for the protection of the quality of life in established neighborhoods, and this conflict with adopted plans also requires mitigation.

• Air pollution. The traffic on Broad Street already produces huge quantities of localized hydrocarbon fumes, diesel exhaust and dust, all of which are health menaces. Diesel particulates are recognized carcinogens, and with an increase in truck traffic, including building contractor trucks going to and from the home improvement warehouse slated to be a tenant in this project, the load of diesel exhaust hanging in the neighborhood's air will increase significantly. The health impacts on this neighborhood's residents due to increased air pollution due to this project require mitigation. The degradation of neighborhood air quality due to this project's impacts conflicts with adopted plans and goals to maintain the livability of neighborhoods, and must be mitigated.

Mitigations to traffic impacts on North Broad Street include the following:

• Closure of the North Broad Street freeway ramps. These ramps are unneeded -- a better ramp, accessed from a major arterial (Santa Rosa Street), is only one block northeast. That ramp can carry the traffic that otherwise would go to and from the North Broad Street ramps with safety and without great inconvenience (though, admittedly, some driver habits and preferences will have to be changed). Furthermore, there is no rational reason for having so many close-together ramps as central San Luis Obispo has, and, in the long run (but unrelated to this project), probably several should be closed. There is direct nexus between closing the North Broad ramps and opening new ramps for the proposed project at Prado Road. The closure is a direct mitigation for the increased traffic created on North Broad by opening the new ramp, which will go directly into the proposed project. Finally, since the impact of the project upon North Broad traffic is 100% related to

sucking freeway traffic through the North Broad neighborhood, closure of the ramp mitigates the project's impacts 100%. Under CEQA regulations, total mitigation of environmental impacts is the ultimate goal. This is therefore the preferred mitigation measure to mitigate the project's traffic impacts upon North Broad. The cost should be shared by the developers and the city, which will gain huge sales tax revenues by approving the project, and is responsible for seeing that its approval actions do not create conflicts with adopted community goals (cited above). If this mitigation is adopted, the following mitigations are unnecessary. If it is not adopted, all the following mitigations are necessary.

P
(Cont'd)

- A lesser degree of project traffic impact mitigation on North Broad can be achieved by a combination of physical traffic calming measures (aimed at reducing speed, traffic volume and the convenience of using the street as a freeway access and cut-through access way) and increased traffic enforcement (speed control, stop sign compliance, and truck use enforcement). Such a mitigation must be specific and have quantifiable objectives, and mandatory second-and-third- phase measures should first-phase measures prove ineffective at mitigating the project's traffic impacts. The measures must be locked in place as project-related mitigation measures, and not subject to being undone at the whim of a particular city council. The costs of such physical traffic calming measures and traffic enforcement must be borne in part by project applicants, and, in fairness, in part by the city which will reap huge tax benefits from the project by approving it without the preferred North Broad mitigation measure. The rationale for a city contribution is that the city's action of approving the project creates conflicts with adopted city goals (cited above), and it therefore becomes the city's responsibility to participate in mitigating those conflicts.

- Noise protection for residential properties facing North Broad Street may be partially provided by a city-sponsored program of building noise walls close to the street, financed both by developer contributions and contributions from the increased sales tax revenues the city will gain from approving the project.

Q

- A degree of noise protection for the interiors of homes along North Broad may be obtained by a mitigation measure calling for developer and city contributions (from increased sales tax revenue due to approving the project) towards sound proofing and air conditioning (so windows may be kept closed) homes along the street subject to disturbing noise levels. The air conditioning portion of this measure may also serve as partial mitigation of increased air pollution levels in neighborhood air.

- Alternatives to the project. It is unclear why some were chosen and others not. Some, like the movie theater, are highly imaginary. The DEIR needs to examine a number of other options, some of which are matters of established city planning policy:

- While the DEIR looks at placing the uses contemplated for this project at the San Luis Mall, it fails to analyze a program in the city's open space element: That development rights to the project should be transferred to *both* the existing Madonna Road shopping center sites, where there is clearly enough land to accommodate this intensification.

R

- The alternative of redeveloping the underutilized Lower Higuera corridor (Marsh to Madonna) as an in-town mall, which is mentioned in the land use element, should also be examined as an alternative to this SprawlMart proposal. I mentioned this in my scoping input, but that input was ignored.

S

- Since the land use element states that prior to expansion onto the Dalidio property the city shall assess the option of intensifying the two nearby malls, the EIR's contribution to helping the city follow its general plan would be to conduct such a study.

T

- My own scoping input about the wisdom of protecting the city's emergency drought water supply by preserving this land (which is atop that supply) as open space or ag land has been ignored. Implicitly, however, the DEIR seems to adopt my view that pumping 2,000 acre feet of water is incompatible with development due to likely problems with subsidence. The issue of protecting this water supply needs to be included in the EIR.

U

- Seismic impact analysis based on a 1975 Seismic Safety Element is like building the "information

V

superhighway" on 1975 era computers. In 1975, we knew next to nothing about earthquakes compared to what we know today, and probably in another 25 years our current knowledge will look equally inadequate. The two faults closest to the site (Los Osos and Hosgri) weren't even recognized in the 1975 report. There is no excuse for using such an outmoded document for present-day seismic analysis discussion. (Page 4.1-6)

V
(cont'd)

• *Impact GEO-1* misstates the issue as "loss of property or risk to human health" from buildings collapsing in an earthquake. It should state the correct issue: that the buildings could fall upon, crush and kill shoppers. That is very different from "risk to health."

W

• Although a home improvement center is identified as a major occupant of this project, *Impact GEO-1* fails to mention the seismic safety danger of falling merchandise in such a center. The common home center practice of stacking unsecured merchandise on multi-tiered shelves reaching to the roof trusses subjects building occupants to serious danger of death or debilitating injury in even a mild earthquake. This practice, combined with the high ground shaking potential at this site, turns such a home center into a death trap for the unsuspecting public. **This life safety issue needs to be clearly stated as a project seismic impact, and a mitigation written which either prohibits this common practice or prescribes specific methods of securing merchandise so that it cannot fall and crush people in the shopping aisles.**

X

• *GEO-1*. This is not a mitigation. Building in compliance with the UBC is not an option, nor a mitigation; it is a code requirement. Further, compliance with the UBC as an earthquake life safety issue is nonsensical. The code is in a constant state of flux, has been revised after EVERY significant earthquake (San Fernando, Mexico City, Loma Prieta, and Los Angeles) as its shortcomings have become dramatically evident. At any moment, it represents that moment's conventional wisdom about earthquake design, and nothing more. **A proper life safety mitigation must go far beyond UBC requirements and employ the most daring state of the art seismic engineering, and still admit the likelihood of building failure. The mitigation measures must be stated, not implied by inferring the need for future study.**

Y

Geo-2. This is not a mitigation. A future study is not a mitigation. The "mitigation" is absurd on its face. Figure 4.1-1, a map whose footnote says it is based on the state's special studies zone map, shows the project site to be well within the high liquefaction zone. Why is another study needed? In any event, a study is not a mitigation. If the study is needed, it is needed as part of the EIR so that specific problems and their mitigations can be presented to the public, to the applicant, and to decision makers before they approve this project. Otherwise we have no idea what we're approving and getting. As in *Geo-1*, compliance with the UBC is not a mitigation; it is a code requirement. Nor will compliance with the UBC affect the performance of buildings in a liquefaction zone. -- The discussion of *significance after mitigation* is nonsensical. While admitting that current engineering knowledge isn't sufficient to prevent serious building failure due to liquefaction, the discussion nonetheless asserts impacts will be less than significant. This conclusion is nothing more than an alleged assertion, not a logical or truthful statement.

Z

GEO-3. This is not a mitigation. A study is not a mitigation. Engineered design for the foundation is a code requirement, not a mitigation. Further, engineered design guarantees nothing. The nearby failed Bear Valley Shopping Center had an engineered foundation. Nonetheless, the city was sued -- and lost -- when its foundation failed.

AA

GEO-4. Ditto.

GEO-5 a. This is not a mitigation. A study is not a mitigation.

GEO-5 b. This is not a mitigation. A future "assessment" is not a mitigation. This "mitigation" is a totally meaningless statement concerning an issue of very great civic concern. The fact is this project would cover a 2,000 acre-foot per year emergency water reserve the city has relied upon in past droughts, and waiting until the next drought to do an "assessment" is too late. The public controversy surrounding this issue makes it, by CEQA definition, a significant impact, and making up silly rationalizations like this "mitigation" cannot reduce it to "less than significant."

BB

GEO-5 Significance after mitigation: This bold assertion is offered without a single ounce of evidence. Stating it does not make it true.

CC

The *DW-x* mitigation measures share similar faults with those described above, and it's tiresome to keep repeating. Faults include the assertion that conforming to code or regulatory requirements constitutes a mitigation, when in fact it is not an option to do otherwise (1c, 1d, 1e, 1f, 1g, DW-2a.2b.2c), and the use of future studies as mitigations (DW-1a, 1b).

DD

DW-3a. This measure sounds nice, but is nothing more than nice-sounding words. Is there any evidence that such a pollution removal system in fact exists and can work at this scale? Since no specific system is specified, this is much like a "future studies" mitigation in that there's no assurance whatsoever that anything effective will result from it. Since this mitigation is apparently the justification for the startling (and highly questionable) assertion that storm water discharged from this project will be cleaner than agricultural runoff, its intent could be seen as an evil attempt to greenwash a very significant impact -- namely, the increased runoff pollution sure to result from acres of parking lots and roofs replacing the living soil present on site at the moment.

EE

Impact DW-5 asserts that runoff from parking lots will be cleaner than runoff from farmland. No evidence is offered to back up this nonsensical assertion. It is almost never true that runoff from automobilized surfaces is cleaner than runoff from raw land. This "impact", for which the report asserts no mitigation is required, should be stricken.

FF

The cumulative impacts section under this title is equally silly, stating that local regulations "would be expected to mitigate" runoff of oil, grease, heavy metals and debris. Nonsense. Where and when has this ever been the case? A truthful EIR would state that increased toxic runoff is an inevitable result of paving automobile scape and directing its runoff into creeks. This section should be stricken.

GG

The *AQ-2* mitigations cannot make a significant dent in auto and truck air quality degradation caused by this project. Their nexus to the cause of the emissions is nebulous.

HH

The air quality section of the report fails to point out that San Luis Obispo area has one of the lowest persistent inversions in the state (one-tenth that of the LA basin), and is a smog-pot waiting to happen -- on short, and irreversible, notice. Since this project's freeway orientation at the edge of town will encourage the multiplication of driven miles, the likelihood of the project's contributing to irreversible creation of permanent smog conditions must be examined, and factored into the overall judgment of whether the project makes environmental sense.

II

I've spent hours critiquing this flawed document, and am weary of it and out of time to spend on further critique. As I said before, it is insulting for our city to have released such a flawed document and to expect the unpaid citizenry to kick it into something that will pass muster. The remainder of the report has the same sort of flaws as what I've already commented upon. IT SHOULD BE SENT BACK FOR REDRAFTING AS A TRUE DEIR.

JJ

Richard Schmidt

May 16, 2000

Comments on Revised Draft EIR for Dalidio Annexation

This commentator has submitted previous comments on related documents, to wit:

- Scoping Comments, April 15, 1999
- DEIR Comments, September 14, 1999
- Scoping Comments, Revised EIR, March 27, 2000 (Submitted copy misdated Jan. 20, 2039 due to printing on a different computer than it was written on.)

All these comments are included in attachments to the current draft.

To save trees, I hereby incorporate by reference all of the above into my current comments.

Since the consultant dismissed my DEIR comments, and because of the improperly speeded-up scoping schedule totally ignored my Revised EIR scoping comments (which included partial rebuttal to the consultant's unsatisfactory and unfactual DEIR responses), I ask that those submittals be considered and responded to here, as if part of this submittal.

In most cases below, where a topic was already addressed in previous comments, I have skipped restating the problem and cut to the chase -- a request for revised mitigations based upon my previous explanation of the issue.

Newly Disclosed Cumulative Effects

Now that the McBride parcel, which in the public's eye is contiguous with and indistinguishable from the Dalidio parcel, is in development play, there are clear cumulative effects in many areas that now need quantified mitigation as part of this EIR. The effects are in the areas of cumulative loss of prime soil, impacts upon waterways (that are home to endangered species, among others), circulation, traffic impact near and distant from the site, visual impact, among others.

This newly revealed circumstance requires that portions of the EIR now be redone, and the cumulative impacts of converting two adjacent parcels of signature landscape ag land to commercial use be examined.

It may require that the McBride developer join with the Dalidio developer to do an expanded EIR covering both projects.

At this time, information available to the public is too sketchy for this correspondent to suggest specific measures. That is the task of the staff and consultant, who have access to more information on the McBride development than anyone else.

Agricultural Mitigation Measures.

AG-1. Since it is the adopted policy (General Plan) of the city to preserve prime agricultural land within its

KK

LL

MM

jurisdiction and urban reserve, Mitigation AG-1 is an inadequate implementation of adopted city policy.

In its place as the primary agricultural mitigation shall be a tiered mitigation measure including the following provisions:

1. In accordance with the Land Use Element map provisions, a minimum of one half of this 130-acre prime ag soil parcel shall be permanently preserved as working agricultural land. [The current proposal pares the preserved ag acreage to 50 acres, which is contrary to the General Plan and the widely-publicized "agreement" that at least 50% of the site's ag land be preserved.]
2. In consideration of receiving approval for Phase 1 to convert some prime agricultural soil for a shopping center, the mitigation for this serious loss of prime ag soil in the urban region shall be dropping all subsequent phases of the project and permanent preservation of the remainder of the site's prime soils.
3. Through project redesign, the area being converted for Phase 1 shall be contracted to the greatest extent possible, so that the project occupies no more than 50% of the prime land currently proposed for conversion.
 - A. A more compact site design shall be created to pull development off prime soil proposed for conversion.
 - B. As much as possible of the proposed surface parking shall be accommodated in multi-level parking structures rather than spread out atop paved-over prime ag soil.
4. In return for destroying some of the site's prime ag soil, the required mitigation for this loss of prime soil in the urban region shall be that the developer permanently preserve, at some other location within the urban reserve or greenbelt, through fee ownership transfer or conservation easement, land equal in acreage and quality and agricultural viability to that being converted. [Note: this is acre-for-acre for the destroyed land.]

MM
(cont'd)

Creek Setback Zones

The section regarding development setbacks from the site's watercourses is inadequate. The proposed setbacks of 35 feet from Prefumo Creek and 20 feet from the "Dalidio drainage channel" are without merit or rationale, and fly in the face of the city's setback policies, which call for larger setbacks where development of raw land permits them. Small setbacks like those proposed are appropriate only in developed urban areas where established lot sizes prevent greater setbacks without prohibiting reasonable use of the property. In the instance of 130 acres of raw land, such constraints do not exist, and the small setbacks proposed are inappropriate, unnecessary, and inadequate. Furthermore, the riparian zones on this property are home to threatened and endangered species, and protecting their habitat zone justifies much larger setbacks and must be a primary purpose for setback zones.

NN

A mitigation measure for creek setbacks shall read:

BIO-3a. Creek setbacks for all development from Prefumo Creek and the "Dalidio drainage channel" shall be a minimum of 50 feet from top of bank or from the outer edge of established riparian or habitat-associated vegetation, or from the anticipated ultimate outer edge of vegetative canopy for restoration plantings, whichever is greater. Further study may result in the imposition of larger setbacks, either locally or throughout the site's creek corridors. Within setback areas, there shall be no building, paving, no utility, circulation, commercial, residential or recreational development, and no planned human uses.

Building Design "Mitigations"

My previous comments about the mitigations pertaining to building design and site improvements remain pertinent, and are included here by reference to avoid retyping them and adding to the length of this document. The mitigations criticized then still remain faulty. Compliance with the Uniform Building Code, for example, is

OO

NOT a mitigation; it is a code requirement. Compliance with the UBC and "engineering" do not assure a seismically safe building or a building that can withstand earth movements caused by other forces.

OO
(cont'd)

The notion that an engineering study will produce a safe building is fatuous. As one text on the subject puts it,

"The biggest misconception is of invulnerability, and it cannot be overemphasized that there is no such thing as 'earthquake-proof.'" [B. King, 1996]

The great structural engineer William LeMessurier described his profession this way:

"Structural engineering is the art of molding materials we do not wholly understand into shapes we cannot precisely analyze so as to withstand forces we cannot really assess, in such a way that the community at large has no reason to suspect the extent of our ignorance."

For the consultant to dismiss my contention that the proposed earthquake mitigations are faulty because they don't go beyond invoking faulty building code provisions and calling for questionable future studies does not change the validity of my point: Earthquake hazards are not in the least mitigated by anything in this EIR's mitigation measures as they currently stand. And the quake danger is great at this site because of a confluence of circumstances: soil type, high water table, and a nearby fault (less than a half mile distant) judged capable of a major quake, plus other major faults (Hosgri, Naclimiento, San Andreas, among others) close enough to cause major shaking.

The sequence of building mitigations need to be completely redone to eliminate reliance on building codes and future studies as mitigation measures, and to describe exactly how buildings at this site can be made safe (which, professionally, I believe is impossible).

My earlier request for a mitigation measure pertaining to the stacking of heavy, unsecured wares in the building supply warehouse store remain undealt with despite the fact such a use is clearly called out as a part of the proposed project. Since the earthquake life safety hazards of such retailing practice are probably greater than that posed by collapsing buildings, there is no excuse for the EIR to fail to present an appropriate mitigation. Since the consultant is unwilling to provide such a mitigation, I shall provide one here:

PP

GEO-XX. To avoid crushing consumers to death beneath piles of retail goods in warehouse-type stores that are part of the project, goods for sale may be stacked no higher than 8 feet off the floor in any area where customers are present, unless the retailer can show through scientific evidence that such goods stacked higher pose no greater danger in the event of earthquakes up to 7.5 Richter than would be posed by collapse of a building constructed to current earthquake standards. If the retailer can offer such evidence, he may be permitted to stack goods higher than 8 feet off the floor subject to verification that the actual stacking method used from day to day is at least as secure as the one on the basis of which permission was granted.

Future studies are not appropriate mitigations, since the outcomes of those studies conceivably could cause major alterations in project definition and project design. What, for example, would be the validity of this EIR if a future study determined that buildings would have to be smaller, more spread out, and occupy twice the land the current design contemplates? That would negate much of the alleged mitigation included in this document.

QQ

Also, the EIR attempts to prejudge measures that will be prescribed by the future studies, which have not yet been done. For example, GEO-2 lists "suitable measures" for design which will "mitigate" soil liquefaction in the event of an earthquake. This list is without value or merit absent the study prescribed, but not yet done, for the undone study would indicate which of the "suitable measures" are in fact suitable. As written this "mitigation measure" (and similar ones) attempts to short-circuit the CEQA process by describing recommendations that are to grow from technical studies which have yet to be done.

Neighborhood Traffic Mitigation: North Broad Street corridor

I incorporate here, in whole, my requests for inclusion of project traffic impacts included in my March 27, 2000, scoping input, which was totally ignored by the consultant. To save a few trees, I request that those comments in totality be considered as comment on the DEIR since the consultant has to date ignored them.

The basic issue, as stated before, is quite simple:

1. The project is designed to have its major access directly from the Highway 101 freeway by means of a new freeway interchange that will discharge directly to the project.
2. This design will pull traffic headed to the project from throughout the city and region to the freeway.
3. North Broad Street is a single-family residential street running from Foothill Boulevard to a freeway on-ramp.
4. North Broad will therefore likely become a preferred route for all traffic headed from the Foothill sector to the project. The tributary area for this traffic is huge. See Exhibit A. In addition to local traffic, there is an incentive for through traffic from Morro Bay and Los Osos to use this route, especially as perceived congestion on arterials increases.
5. The project will produce a major increase in traffic on North Broad.
6. The Traffic Element of the city's General Plan states that North Broad (a Residential Collector) shall have no more than 3,000 vehicles per day, maximum, and a maximum speed of 25 mph. (Policy 5.2.)
7. Even the consultant's faulty (excessively low) traffic count numbers indicate traffic on North Broad already exceeds 3,000 per day. ANY INCREASE DUE TO THIS PROJECT THEREFORE VIOLATES C.E. Policy 5.2, A KEY PROVISION OF THE GENERAL PLAN, AND THEREFORE REQUIRES MITIGATION. (Note, actual traffic counts are 5,000 to 7,000 per day for the past year, though a perceptible decrease has occurred this spring coinciding with increased gas prices.)
8. The increase in traffic on North Broad due to this project can reasonably be estimated at 1,000 vehicles per day. This is no minor violation of the General Plan. (The consultant's estimate of fewer than 75 vehicles per day defies logic, and cannot be supported by reasonable evidence.)
9. Routing Dalidio-bound traffic onto North Broad violates Policy 6.1 in the Circulation Element: "Through traffic should use Regional Routes and Highways, Arterials, Parkway Arterials and Residential Arterial streets and should not use Collectors or Local streets.
10. Routing Dalidio-bound traffic onto North Broad violates Policy 6.2 in the Circulation Element: "The City should not approve commercial development that encourages customers, employees or deliveries to use Residential Local or Residential Collector streets."
11. Routing Dalidio-bound traffic onto North Broad violates Program 6.5 in the Circulation Element: "The City will adopt neighborhood traffic management plans for residential areas shown on Figure #3 in order to protect neighborhood areas from intrusive traffic problems." (North Broad is indicated in Figure #3.)
12. Routing Dalidio-bound traffic onto North Broad violates Program 6.6 in the Circulation Element: "The City will undertake measures to control traffic in residential areas where traffic speeds or volumes exceed standards set by policy 5.2."
13. Further, routing Dalidio-bound traffic onto North Broad violates a key strategy of the Circulation Element: Strategy 14. "Protect the quality of residential areas by achieving quiet and by reducing or controlling traffic routing, volumes and speeds on neighborhood streets." (My previous comments, incorporated here by reference, have offered commentary on traffic noise, volumes, and speeds on North Broad, and the consultant's dismissal of this commentary doesn't change the facts recited in my commentary -- the comments are factual,

RR

the consultant's responses are not to the issue.)

14. The EIR offers mitigations for none of the aforementioned six enumerated and very patent violations of the Circulation Element by the proposed project's traffic impacts. The EIR is therefore deficient in this respect.

15. Routing Dalidio-bound traffic onto North Broad violates Policy 2.1.3 in the Land Use Element: "Neighborhoods should be protected from intrusive traffic. . ."

16. It is clear from the above recitations, together with my previous comments and requests incorporated here by reference, that this project will have a deleterious effect on the quality of residential life in the North Broad corridor by increasing through traffic through the neighborhood, and that this effect is significant, and must be mitigated.

It is also clear that the project will have indirect traffic effects which will worsen its direct traffic impacts upon North Broad Street. City staff is aware of, and has been quoted about, traffic jamming in the Los Osos Valley Road/Madonna Road corridors due to this and related developments which will divert traffic from Los Osos and Morro Bay to the Foothill corridor, from which many of those cars will take North Broad to get to the freeway or to downtown. (See *Tribune*, Sunday, March 26, 2000.) This will in the short term add many hundreds of extra cars to North Broad, and in the long term many hundreds more as congestion on arterials continues to increase.

This "indirect" traffic impact, combined with the direct traffic impacts, requires extensive mitigation on North Broad Street.

It is therefore requested that the following mitigation measures be incorporated into the Dalidio EIR.

North Broad 1. To mitigate for the direct traffic impact of the North Broad freeway ramps because of the addition of the new freeway interchange for the project, the North Broad ramps shall be closed.

North Broad 1a. If mitigation North Broad 1 is for any reason not implemented, the street shall be closed to through traffic at one or more of the following locations: at Meinecke, Murray or Lincoln streets.

North Broad 2. To mitigate for direct and indirect traffic impacts of the project, stop signs shall be installed at each intersection along North Broad to slow and discourage through traffic.

North Broad 3. To mitigate for direct and indirect traffic impacts of the project, landscaped bulbouts (linked with raised and textured pedestrian crosswalks at intersections where crossing is appropriate) shall be installed at each intersection along North Broad to slow traffic, discourage trucks (including contractor trucks bound for the project's building supply warehouse store) and create a neighborhood atmosphere.

North Broad 4. If the above measures do not achieve Circulation Element and Land Use Element neighborhood traffic goals, additional tiered mitigation measures shall be mandatory, including additional speed humps, signage, traffic islands and circles, partial road barriers, and other appropriate measures that will achieve the desired outcomes.

Alternatives to the Project as Proposed

I have previously requested that the EIR examine a particular alternative to the project as proposed, to wit: the city's purchase of the property for its 2,000 acre foot water "reliability reserve" as an alternative to developing the site. In brief, rather than spend \$100 million on the Nacimiento project for this emergency reserve, why not purchase Dalidio -- where there is ample water underground -- at a far lower cost, thereby protecting this local water resource while also protecting the signature agricultural open space at ground level? Development is incompatible with future water pumping at the 2,000 A.F. level due to the city's loss of a land subsidence lawsuit the last time it did heavy pumping nearby (Bear Valley Shopping Center suit) -- therefore the need to couple

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(cont'd)

SS

water supply preservation with an undeveloped land surface. Fiscal responsibility and resource responsibility thus join together in this simple solution for increasing our water supply. (Historically, this water supply saved our bacon in the last drought by keeping our faucets running. Why would we knowingly allow the utility of this resource to be destroyed by developing the land surface?) The city could acquire this land by friendly purchase or by condemnation for municipal use.

SS
(conf'd)

The consultant's previous response to this request was not germane; it was a brush-off, not an analysis or compelling reason for not doing the analysis.

I once again request that analysis of this subject be included in the EIR.

Sincerely,

Richard Schmidt

Attachment: Exhibit A

Letter 9

COMMENTOR: Richard Schmidt

DATE: February 23, 2004 and March 8, 2004

RESPONSE:

Response 9A

The commentor states the opinion that the scope of the traffic study for the project should be expanded to other locations such as North Broad Street. The commentor also states that the project will add more than 1,000 vehicles per day to Broad Street and recommends that the EIR evaluate closing Broad Street ramps near the State Route 1/Santa Rosa interchange and/or consider other mitigation for project impacts on Broad Street.

The study locations included in the traffic analysis provided in Section 4.10, *Traffic and Circulation*, of the Draft EIR were selected in consultation with City of San Luis Obispo Department of Public Works staff based on the anticipated significant traffic impacts of the proposed project. For environmental studies, impact significance for traffic is defined based on changes in intersection operation or other quantitative measures of vehicular volume. While it is expected that some of the project trips from the Foothill area of San Luis Obispo will use the Broad Street interchange to access Highway 101, the relative increase in traffic on North Broad Street due to the project was not expected to result in a significant impact to the adjacent intersections or roadway segments. North Broad Street is a residential collector street that is located more than two miles from the project site.

Based on daily traffic counts performed by the City Public Works Department, the existing daily traffic volume on various segments of North Broad Street between Lincoln Street and Foothill Boulevard ranges between approximately 3,900 and 5,000 vehicles per day (vpd) according to April 2003 traffic counts. These volumes do exceed the City's desired volume threshold of 3,000 vpd and indicate that this section of Broad Street is eligible for neighborhood traffic management measures according to City policy, regardless of whether the proposed project is implemented.

According to data obtained from the City's traffic model, 1.85% of project traffic is projected to use Broad Street north of Highway 101. This would result in the addition of 388 daily trips and 38 PM peak hour trips to this roadway segment. From a Broad Street resident's perspective, this is equivalent to the addition of one vehicle every one to two minutes over the course of the peak hour. From a traffic engineering and planning perspective, this increase in volume would not be considered a significant increase in traffic.

The Circulation Element includes policies describing desired maximum volume thresholds for specific street classifications, as well as programs for mitigating neighborhood traffic problems including excessive traffic volumes and travel speeds. The City's Neighborhood Traffic Management (NTM) Guidelines (Adopted June 1998) were designed to address impacts to residential collector streets like North Broad Street and detail the process by which NTM activities are carried out. Given the relatively low amount of new traffic on north Broad Street



generated by the proposed project, the addition of this traffic is not considered significant overall. It should also be noted that the City implemented an NTM project within this neighborhood in 1996. Speed humps and traffic circles were installed on Chorro and Broad Streets. After intense public criticism of the project, the City Council ordered the removal of all facilities on Chorro Street and installed two stop signs. Speed humps and a traffic circle were removed from the southern half of Broad Street. The speed humps on the northern half of Broad Street (which were installed in the 1980's) were retained but were lowered from between three and four inches to two inches in height.

The commentor states the opinion that the existing Broad Street ramps are unsafe and the addition of project traffic will exacerbate this condition. Caltrans has conducted preliminary assessments of ramp operations on U.S. Highway 101 between Broad Street and California Boulevard. The City of San Luis Obispo has requested that a complete study of the freeway corridor be completed prior to recommending improvements that may include closing one or more sets of ramps. The timing for this study has not been identified and the City does not anticipate making any changes to freeway access in the meantime. The small increase in traffic generated by the project at the Broad Street ramps would not significantly affect the safety of the ramps.

An increased number of vehicles does not solely constitute a safety problem. Safety is typically documented through accident history and results from speeding or other operational problems. Travel speeds within expected ranges (i.e., less than 30 miles per hour) have been recorded on North Broad Street. In addition, the highest PM peak hour volume on North Broad Street north of Murray Street was 110 vehicles or an average of less than two cars per minute. This volume would provide adequate gaps in traffic for drivers to enter parked vehicles or to pull out into traffic without conflicting with street traffic.

Response 9B

The commentor suggests that the City consider an alternative to the project that includes redevelopment of the Mid-Higuera area. Refer to Response 7E regarding the selection of a range of reasonable alternatives to the project.

As noted in Section 7.0, *Alternatives*, of the Draft EIR, based on discussions between the applicant and City staff, an alternative project site is not evaluated in this EIR because the project site is large enough to accommodate changes that might result from the implementation of any of the project alternatives. In addition, no other comparable site is available to the applicant where the project objectives, including the provision of commercial uses, retail uses (including a hotel), business/office park, open space preservation, could be accomplished. The site is also uniquely situated adjacent to the San Luis Obispo Promenade shopping center.

It should be noted that although the Mid-Higuera alternative suggested by the commentor could potentially result in various environmental benefits relative to the proposed project, such an alternative would be considered infeasible for several reasons, including the following:

- The applicant does not hold title to the parcels on this alternative site.
- This alternative site consists of many small parcels with different owners and a fine-grained mix of land uses. As a result, publicly-sponsored redevelopment would likely



be required to assemble land and rights-of-way to accommodate a project of the scale of the one proposed.

- This alternative site currently contains several structures that would need to be demolished and removed to accommodate future development.
- Development of the proposed project at this location would be inconsistent with the Mid-Higuera Master Plan because of its scale and potential traffic impacts.

Additionally, development at this alternative site would not achieve the project objectives, such as providing for the expansion of commercial development in the Madonna Road Area.

Response 9C

The commentor states an opinion regarding the appropriate land uses for the City's "image". Refer to Response 18B and Section 4.6, *Agricultural Resources*, of the Draft EIR, for a discussion of project impacts to agricultural resources.

Response 9D

The commentor suggests that the proposed project site would be better utilized for water production. Refer to Response PC-69.

Every property owner in San Luis Obispo has the right to utilize the groundwater underlying their parcel, only on that parcel, and subject to certain other restrictions and requirements. These rights differ from mineral rights, in that they are tied to the property and cannot be deeded separately to another party. City ownership of the Dalidio property would give the City the right to use the groundwater only on that property. As discussed in Section 4.8, *Utilities*, City use of the groundwater for municipal purposes in other areas would constitute an appropriation. Appropriative rights are quite different from overlying property rights. In fact, the property owner does not have an appropriative right to the groundwater and cannot transfer an appropriative right to the City. Similarly, an appropriative use of the groundwater by the City would not necessarily require City ownership of the property. Nor would development of the property preclude the City's establishment of a municipal well on the site or the development of an appropriative right to the groundwater underlying the project.

It is expected that a municipal well on the Dalidio property would not be adequate to meet the City's adopted 2000 afy reliability reserve. The sustainable yield of such a well has not been determined, and its reliability during an extended drought period is highly questionable. In addition, the City has no control over the legitimate use of the groundwater basin by other property owners. The only way to guarantee any amount of water from a well on the Dalidio property would be through adjudication of the entire groundwater basin. Adjudication is very expensive, takes a significant amount of time, and would likely result in significantly less than a 2000 afy yield to the City, since appropriative rights are secondary to overlying property rights.

The commentor links water supply preservation with an undeveloped land surface, citing subsidence at the Bear Valley Center as a precluding factor in the development of a municipal well on the Dalidio property. Yet, there is no information presented to support this relationship. There were a large number of factors affecting the situation with the Bear Valley Center. Proximity to the well is one issue. However, it is important to note that the Bear Valley



Center is over 700 feet from the Auto Parkway Well location. Other buildings in the area were not affected, though some are within 200 feet. While it is true that the development results in additional impervious area, the corresponding effect of reduced storm water infiltration is mitigated to a point of insignificance by the on-site concentration and detention of storm water runoff. There is no evidence to support the contention that development of the Dalidio property would result in the destruction of the groundwater resource.

Response 9E

Refer to Response 18B and Section 4.6, *Agricultural Resources*, of the Draft EIR, for a discussion of project impacts to agricultural resources.

Response 9F

The commentor requests that all comments made on earlier EIRs related to the project be responded to in the current project EIR. The City has received the commentor's comments on the EIRs prepared for previous projects on the site that the commentor's deems to be applicable to the present project. Responses to these comments are included in this Final EIR (refer to the other responses to this comment letter).

Response 9G

The commentor states the opinion that comments made on EIRs for previous projects proposed for the site be included as comments on the Draft EIR for the currently proposed project. Section 15088(a) of the CEQA Guidelines states that, "The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments." CEQA does not require the Final EIR to include responses to comments made on earlier projects or comments made outside of the Draft EIR review period. The City appreciates the commentor including comments from earlier projects that he wishes to be responded to in the current Final EIR. All comments made on the Draft EIR during the public review period for the currently proposed project are responded to in this Final EIR.

Response 9H

Refer to Responses 9A and 12J.

Response 9I

The commentor states the opinion that the EIR does not meet its purpose because it contains regulatory information. Section 15121(a) of the CEQA Guidelines states that, "an EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project." The regulatory information contained within the Draft EIR is for the benefit of the decision-makers and public to understand the framework within which the environmental impacts are reviewed.



Response 9M

Refer to Responses 9A and 12J.

Response 9N

The commenter includes information about the noise conditions on North Broad Street. The location was not included in either the traffic nor noise modeling, because it is assumed to be sufficiently distant from the subject site as to not be directly affected by traffic generated by the proposed project.

The commentator's statement that the proposed project would significantly increase traffic on North Broad Street is not supported by the analysis. With respect to the noise levels, the relationship between traffic and the physics of noise increase is not directly proportional. In high noise-level areas such as the one the commenter describes, a doubling of traffic is generally necessary to experience any audible increase in decibels on a CNEL (weighted 24-hour average) basis. It is not likely that the proposed project would cause a doubling of traffic on North Broad Street, and it is therefore not expected that the noise environment there would change significantly from what is expected in the future under normal cumulative circumstances. Please also see the discussion of cumulative noise effects included in Section 4.4, *Noise*, of the Draft EIR.

Response 9O

The commentator states that diesel particulates would be loaded onto the localized air environment in the North Broad Street neighborhood. The analysis of air quality impacts is necessarily driven in part by the average daily trips (ADT) calculated to be generated from the proposed project. Please see Response 9A, above. There is no evidence that trip characteristics on North Broad Street would be significantly affected by the project. In accordance with readily-accepted air quality impact analytical methods, air quality impacts are calculated as a result of the total load to the air basin. The air quality analysis included in Section 4.3, *Air Quality*, of the Draft EIR incorporates numerous feasible mitigation measures to address the primary impact of concern: mobile emissions.

Response 9P

Refer to Responses 9A and 12J.

Response 9Q

The commentator suggests how properties along North Broad Street might receive mitigation from a City-sponsored noise mitigation program. Please review Mitigation Measure N-2(a) of Section 4.4, *Noise*, of the Draft EIR. The measure requires the applicant to contribute a fair share to such a City-sponsored program as mitigation for the proposed project's contribution to cumulative noise impacts. It is not clear whether the City would consider North Broad Street properties as potential participants in such a mitigation program.



Response 9R

Refer to Response 12C and Section 7.0, *Alternatives*, of the Draft EIR.

Response 9S

Refer to Response 9B.

Response 9T

Refer to Response 12C and Section 7.0, *Alternatives*, of the Draft EIR.

Response 9U

Refer to Response 9J. The net consumption of groundwater would be expected to decrease, since the intensive agriculture operation currently using the site is a far higher water user than the proposed project. The use of groundwater underlying the particular parcel is a property right that cannot be denied by the City. However, due to uncertainties regarding available groundwater supply and contamination issues, this groundwater aquifer is not considered to be contributing to the City's adopted 2,000 afy Reliability Reserve.

Response 9V

The geology analysis included in the Draft EIR incorporated all current known geological resource information sources relevant to the subject site. The faults mentioned by the commentor are clearly included in the analysis. Even though the City's Safety Element dates from 1975, it remains the official policy document for addressing geohazards and other environmental safety issues, and should not be overlooked in preparing CEQA analyses.

Response 9W

The commentor states the opinion that Impact GEO-1 should be revised. It is correct that the "risk to human health" described in Impact GEO-1 includes the risk of death but the language should not be revised because there is also a risk of human injury and health complications.

Response 9X

Refer to mitigation measure GEO-1(b) in Section 4.1, *Geology/Hazards*, of the Draft EIR.

Response 9Y

The commentor suggests that mitigation measure GEO-1(a) be revised to require standards beyond compliance with the Uniform Building Code (UBC) to protect human safety. Mitigation measure GEO-1(a) requires not only that the structures be designed in compliance with the UBC but also be, "engineered to withstand the expected ground acceleration that may occur at this site" and, "take into consideration the soil type, potential for liquefaction, and the most current and applicable seismic attenuation methods that are available. "



The proposed project is not subject to any extraordinary seismic risks, according to the Draft EIR analysis. The risk levels are the same as those present throughout the San Luis Obispo area. By law, buildings are subject to building techniques that are continually more stringent in terms of seismic safety requirements. New commercial buildings are therefore expected to be safer than commercial buildings constructed that were subject to earlier versions of the Uniform Building Code.

Likewise, interior design and display is regulated by the United States Occupational Safety and Health Administration (OSHA).

Response 9Z

Refer to Response 9L regarding mitigation including future studies. The geological analysis in the Draft EIR includes a thorough review of the subject site's geological conditions based on the best available information, and appropriately requires that the future geotechnical study examine sub-issues that have come to light. As stated in GEO-2(a), the strategies that may be used to reduce the potential for liquefaction to occur may include, but are not limited to, those that are listed as part of the measure. The strategies listed are there for informational purposes and were based, in part, on information contained within the Final EIR for the General Plan Land Use and Circulation Updates (1994) as well as information contained within a previous geotechnical study for the Central Coast Mall (Buena Engineers, 1984). The final determination as to which strategy, or combination of strategies, would be required to reduce the potential for liquefaction on-site would be determined in the geotechnical study required by Mitigation Measure GEO-2(a). Since liquefaction issues are present throughout seismically-active regions statewide, and since the state of engineering art is well developed to address these issues, it is reasonable to conclude that the subject site does not impose insurmountable or even unusual liquefaction concerns for structures.

Response 9AA

Refer to Responses 9D, 9Z, and 9J.

Response 9BB

Refer to Response 9AA.

Response 9CC

Refer to Response 9AA.

Response 9DD

Refer to Response 9L regarding mitigation requiring future studies. The future requirement of a Stormwater Pollution and Prevention Plan (SWPPP) requires a more detailed project design before preparing a SWPPP. The detailed design of the proposed project may be revised if approved. The referenced mitigation measures that involve compliance with existing regulatory permitting specify timing and other issues that exceed the basic requirements of the agency permitting programs. Under the mitigation measures, the applicant carries the burden



of designing and presenting a BMP that would best address project circumstances and meet the City and State's requirements.

Response 9EE

The commentor's statements reference a mitigation measure that is not part of the current EIR for the proposed project. No further response is necessary.

Response 9FF

The commentor's statements reference Impact DW-4 in the current EIR for the proposed project. Untreated agricultural and urban runoff is one of the most serious water pollution problems facing surface waters in California. To capture and treat urban runoff is clearly less damaging to the environment than discharging untreated agricultural runoff with its typically high levels of nitrates and other residual chemicals from chemical and organic fertilizers, pesticides and herbicides.

Response 9GG

Across California and the nation, the Federal Clean Water Act requirements to address stormwater pollution are getting increasing attention by state and local government agencies. Projects are increasingly being required to capture and treat stormwater prior to discharging them into local stormdrain systems or open creeks, river, estuaries, and marine environments. Some cities are also addressing existing stormwater problems aggressively. In April 2000, the City of Santa Monica is poised to inaugurate one of the first citywide stormwater pollution collection and treatment devices in the United States. An average of 500,000 gallons per day (gpd) of urban runoff generated in parts of the cities of Santa Monica and Los Angeles will be treated by conventional and advanced treatment systems at the Santa Monica Urban Runoff Recycling Facility (SMURRF). The runoff water will be diverted from the City's two main storm drains into the SMURRF and treated to remove pollutants such as trash, sediment, oil, grease, and pathogens. Treatment processes include:

- *Coarse and fine screening to remove trash and debris*
- *Dissolved Air Flotation, DAF to remove oil and grease*
- *Degritting systems to remove sand and grit*
- *Micro-filtration to remove turbidity*
- *Ultra-violet (UV) radiation to kill pathogens*

Once treated, the water will be safe for all landscape irrigation and dual-plumbed systems (buildings plumbed to accept recycled water for the flushing of toilets) as prescribed by the California Department of Health Services. The treated water meets all of California's Title 22 requirements (the level of treatment that the runoff water must meet). For more information, visit the City's SMURRF web site at <http://pen.ci.santa-monica.ca.us/epwm/smurrf.html>.

Response 9HH

The mitigation measures included to address air quality Impact AQ-2 were developed in consultation with air quality professionals at the San Luis Obispo Air Pollution Control District.



Even though the proposed project includes a number of features that will assist in reducing reliance on vehicles, adverse additional air emission from mobile sources are anticipated. SLOAPCD encourages that measures that better reduce so-called stationary emissions can, in this case, be applied to help offset the increase in mobile emissions.

Response 9II

Refer to Response 9HH and Section 4.3, *Air Quality*, of the Draft EIR.

Response 9JJ

The commentor restates his opinion that the Draft EIR is flawed. The document represents a good-faith effort on the part of the consultant and City project teams to fully identify, disclose, and mitigate the environmental effects of the proposed project. This Comments and Responses report provides an opportunity to add additional information, correct deficiencies, and otherwise improve the quality of the report prior to action by City decision-makers.

The commentor fails to present examples of specific additional portions of the Draft EIR he finds lacking. Therefore, a response to concerns regarding other portions of the Draft EIR is not possible for this comment. Refer to the other responses to this comment letter.

Response 9KK

The comments are regarding the EIR process for a previously proposed project on the site and do not give specific comments on the current Draft EIR or environmental review process. Therefore, no further response is necessary.

Response 9LL

Cumulative impacts of the proposed project were evaluated for conditions representing buildout of the City's General Plan Land Use and Circulation Elements. These conditions would include development of the McBride parcel. Therefore, the cumulative impact analysis included in the document accounts for the development of this parcel.

Response 9MM

The commentor suggests a revised mitigation program to address the impact to agricultural resources. The suggested mitigation program is noted, and can be considered by City decision-makers. It should be noted, however, that 109 acres of the subject site has been classified as prime, rather than 130 acres.

It should be further noted that the suggested mitigation program would not lessen the impact to prime agricultural land to less than a Class I, significant and unavoidable.

Response 9NN

It is noted that the commentor calls for a minimum 50-foot creek setback. As stated in Section 4.5, *Biological Resources*, creek setbacks have been established in accordance with the City of San



Luis Obispo Zoning Regulations of 35 feet for Prefumo Creek and 20 feet for the drainage channel flowing into Prefumo Creek. Additionally, biological resources within the creek and riparian area will be protected by measures in Section 4.2, *Drainage and Water Quality*, and by the dedication of 58.8 acres of Permanent Open Space. Riparian habitat and the creek setback along Prefumo Creek would be located within this open space.

Response 9OO

It is acknowledged in the Draft EIR that the probability of a larger than expected earthquake with higher ground accelerations to occur is never zero. Any structure built in California is susceptible to failure due to seismic activity. However, the mitigation measures presented require a standard of care and follow-through design requirements that will ensure that impacts from geological hazards would be less than significant. It is not the purpose of the EIR to serve as a geotechnical study. Instead, the level of review provided for in the EIR can direct that the geotechnical report required will address issues of relevance from a geological hazards perspective, insofar as those hazards can be ascertained through reasonable investigation.

The mitigation measures contained in Section 4.1, *Geologic Hazards*, establish measurable standards of care that shall be applied to a geotechnical report on the subject property. The data that will be developed at that point will direct standards of the Uniform Building Code that need to be applied. There is development adjacent to the north of the site (Central Coast Mall) that is subject to similar geologic hazard conditions as those on-site. These conditions clarify that there is no substantial evidence that suggests that significant risk from geological hazards would remain after the imposition of building requirements from a City-approved geotechnical report.

Response 9PP

Refer to mitigation measure GEO-1(b) in Section 4.1, *Geology/Hazards*, of the Draft EIR.

Response 9QQ

Refer to Response 9L.

Response 9RR

According to the City's General Plan, North Broad Street is classified as a residential collector street. Traffic from Morro Bay and Los Osos would use more direct routes to access the project site and is not expected to use the Broad Street ramps. The new Prado Road Interchange would improve traffic flow on some streets including Madonna Road and Los Osos Valley Road even with the addition of traffic from the proposed shopping center. The projected increase in traffic on Broad Street is estimated to be 38 peak hour vehicles and is considered an insignificant change.

Response 9SS

Refer to Response 9D.



Response 9J

Refer to Responses 9A and 12J.

Response 9K

The commentator states his opinion that the EIR does not analyze the “short-term use vs. long-term productivity” of the proposed project. The requirement to study the “relationship between local short term uses of man’s environment and maintenance and enhancement of long term productivity” was once required by CEQA Guidelines § 15126 (e), but was deleted from the State CEQA Guidelines as part of the 1998 Revisions to CEQA adopted by the State Office of Administrative Law. The deletion was part of nearly 60 amendments and revisions to the CEQA Guidelines. The revisions were signed into law by Governor Pete Wilson and became effective January 1, 1999, and were intended to streamline the CEQA process. Nevertheless, the Draft EIR contains analysis of the short-term, cumulative, and long-term environmental impacts of the proposed project. The Draft EIR identified Class I, significant and unavoidable impacts in the areas of air quality, noise, agriculture resources, cultural resources, and traffic and circulation. As noted in Response 7B, project approval would require the City to adopt a Statement of Overriding Considerations that states in writing the specific reasons to support the City’s action based on the Final EIR and/or other information in the record.

Response 9L

The commentator states his opinion that mitigation measures contained in the Draft EIR are inadequate. Several mitigation measures contained in the Draft EIR recommend future studies because of the seasonal sensitivity of biological resources that may require different mitigation at different times of the year or require future studies to determine the best project design details that will achieve the performance standards described in the mitigation measure. Section 15125.4 Subsection (a) reminds EIR preparers that the formulation of mitigation measures should not be deferred to a later time, but that mitigation measures may specify performance standards that will result in mitigation and may be undertaken in more than one way. In all cases in the Draft EIR, mitigation measures that require future studies include detailed descriptions of enforceable performance standards that will reduce project impacts.

The commentator fails to present examples of specific mitigation measures he finds lacking. Therefore, a response to concerns regarding specific mitigation measures is not possible for this comment. Refer to the other responses to this comment letter.

As stated in Section 15151 (Standards for Adequacy of an EIR) of the State CEQA Guidelines, “The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure”. The commentator’s statement regarding the literacy of the EIR authors is absurd and inappropriate. The document represents a good-faith effort on the part of the consultant and City project teams to fully identify, disclose, and mitigate the environmental effects of the proposed project. This Comments and Responses report provides an opportunity to add additional information, correct deficiencies, and otherwise improve the quality of the report prior to action by City decision-makers.





San Luis Obispo
Downtown
Association

P.O. Box 1402
San Luis Obispo
California 93406


Phone: 805-541-0286
FAX: 805-781-2647

www.downtownslo.com

Letter #10

23 February 2004

To: Orval Osborne, Chair
City of San Luis Obispo Planning Commission

From:  Deborah Cash, Administrator
San Luis Obispo Downtown Association

Re: San Luis Obispo Marketplace (Dalidio) project

The Downtown Association asks that the Planning Commission consider the following information that the Association considers pertinent regarding the San Luis Obispo Marketplace Project.

The Downtown Association is currently engaged in the exercise of updating its Strategic Operating Plan for Downtown, a plan that was developed in 2001 after the initial Kotin report of the Economic Impact of the Marketplace on Downtown study was completed. That report recommended, and the Council subsequently heeded the recommendation, that the Downtown, in order to maintain its status as a viable commercial hub of the community, must develop a formal plan to position itself as the commercial climate changes around it.

Several years have passed since the Strategic Plan was completed and because dramatic changes have occurred in the economic landscape, the Downtown Association has retained the original consultant to analyze and update the Plan to reflect current market conditions and the implications those may have for Downtown.

Important considerations of the analysis are the status of the Copeland's projects—now substantially underway—and the tangible progress being made in the proposed Marketplace project as evidenced by the series of meetings now scheduled.

The Downtown Association, along with Strategic Plan author/consultant Jeffrey Eichenfield, believe additional information relating directly to the dynamic of these two projects will be crucial in determining true economic impact on the Downtown, the projects and the community. One way to obtain this data is to further study the updated Kotin Report (issued October 2002) and determine if the conclusions drawn therein remain accurate and current.

To achieve this, the Downtown Association seeks to obtain a "second opinion" about the Kotin Study's thesis by having an outside, independent consultant review the document. Mr. Eichenfield will use this information to assist him in updating the Strategic Plan.

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We anticipate this review, which may or may not corroborate the Kotin findings, will take approximately two months and its incorporation into the Strategic Plan two months more. It is our hope that the Planning Commission, and other bodies considering the Marketplace Project, be aware that this information gathering is underway and may have implications necessary for making informed decisions.

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(cont'd)

Further, the Downtown Association wishes to restate its concern that the Marketplace Project NOT be a replication of Downtown in design or "feel." In a community the size of San Luis Obispo, the Downtown is unique and has a carefully carved niche which could be diluted with the advent of copy-cat "pedestrian mall" style commercial centers.

B

The Downtown Association is unable to have a representative at Wednesday night's meeting due to a conflict with its Annual Dinner, however, we appreciate the Commission's consideration of the thoughts submitted in this communication. We will be happy to forward information relating to the Marketplace and its economic impact on Downtown as we receive it.

cc:

Shelly Stanwyck, Economic Development manager
Jeff Eichenfield, Eichenfield and Associates
Downtown Association Board of Directors

Letter 10

COMMENTOR: Deborah Cash, San Luis Obispo Downtown Association

DATE: February 23, 2004

RESPONSE:

Response 10A

The commentor summarizes recent strategic planning undertaken by the Downtown Association and requests further analysis of the independent economic analysis conducted by Allan D. Kotin and Associates cited in the Draft EIR. Refer to the discussion on page 5-6 in Section 5.0, *Land Use*, of the Draft EIR, which states: "An independent economic analysis was conducted by Allan D. Kotin and Associates (ADKA; 'Fiscal Impact of Proposed San Luis Marketplace and Implications for Downtown Retail Activity', October 25, 2002) to evaluate whether the project will transfer sales from existing retail areas in the City and whether the proposed uses could be developed in existing retail areas. According to this report, the proposed project would have 'minimal or only modest detrimental impact on retailing in downtown' San Luis Obispo." Additional review of this study could be authorized by the City, but would not affect the conclusions of the EIR related to environmental impacts.

Response 10B

The commentor states the opinion that the project should be designed with a distinct "feel" from the Downtown. As described in Section 4.7, *Aesthetics*, of the Draft EIR, the applicant has described the architectural style of the development as a mix of agrarian, craftsman, and metropolitan style architecture. The visual analysis describes the building style as being "articulated into rural forms" in an attempt emulate architectural forms of other buildings seen within and around the existing City context," and to avoid the look of large retail developments. The structures in the main retail area are described as containing a variety of roof forms, arcades and awnings, and being off set from each other, to reduce the perception of there being a single building. This design concept, which recalls local architectural vernaculars and helps break up the boxy appearance of structures, is potentially consistent with the design principles contained in the Community Design Guidelines.



Letter #11 (1)

MEMO



ENGINEERS

PLANNERS

SURVEYORS

Date: February 25, 2004

To: Ms. Pam Ricci

From: Michael Cannon

Company: City of San Luis Obispo

Phone: (805) 544-7407

Address: Community Development
Department

Fax: (805) 544-3863

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

Project No.: 96-0705.12

CC: Jay Walter, Richard Daulton, Chien Wang, Bill Bird, Michael Morris, Richard Tanaka

Subject: San Luis Obispo Marketplace / Prado Road Interchange / Flood Issues

Number of pages to follow: 1

CIVIL ENGINEERING

Hydrology and Hydraulics

Utilities and Infrastructure

Grading and Drainage

Erosion and Flood Control

Streets and Highways

MECHANICAL

ENGINEERING

Pipelines and Facility Design

Equipment and Reliability Programs

HVAC

Construction Management

Hazard Analysis

STRUCTURAL DESIGN

Buildings: Commercial Residential,
Industrial

Industrial Equipment Structures

Site Stabilization Structures

Structural Retrofits

PLANNING

Site Feasibility and Planning

Public Representation

Entitlements and Approvals

City and Regional Planning

SURVEYING

Topographic Surveys

Control Surveys

Boundary Surveys

Construction Layout

Mapping and Imaging

The purpose of this memorandum is twofold: (1) to request formal written clarification on several issues contained in **Section 4.2 Drainage and Water Quality, Dalidio/San Luis Marketplace Annexation and Development Project EIR** and in **Local & Cumulative Hydrologic and Hydraulic Impacts Analysis, San Luis Obispo Marketplace Area Annexation, Phase I, the Dalidio Property**, dated October 17, 2003 prepared by Questa Engineering Corp (Questa, 2003), and (2) to gain a better understanding of the City's concerns so that we can develop appropriate measures to address them.

- Please clarify the apparent discrepancy contained in the introduction portion of Section 4.2, Paragraphs 3 and 4. Paragraph 3 states "...the proposed project would result in loss of floodplain storage and an increase in impervious surface area. These on-site impacts would increase floodwater surface elevations across the Dalidio Property, in Prefumo Creek and in San Luis Obispo Creek downstream of Prefumo Creek. The predicted increases in water surface elevations are above significance thresholds outlined in the San Luis Obispo Creek Watershed Management Plan design manual. These on-site flooding issues constitute a Class I, significant and unavoidable, impact." Paragraph 4 states "...Because of the proximity of the site to potential flooding areas, which would allow runoff to clear these areas prior to peak watershed flows, development of the Dalidio property would not add to the overall flooding peak for the watershed if the proposed drainage improvements were constructed."
- In the section titled "Potential Impacts, Dalidio Property Import Fill, Floodplain Storage" of Questa, 2003, pages 12 through 15, we would like to review the calculations and modeling information supporting the conclusion of a 3-inch increase in the 100-year water surface elevation at the SLO/Prefumo Creek confluence derived from *loss of floodplain storage* and *increased impervious surfaces*. The report is unclear regarding the contributions of each of these project impacts.

Loss of Floodplain Storage

In reviewing the estimated storage volumes that were used in the modeling effort to predict the impacts of loss of floodplain storage, the assumed values appear to be over-estimated. The published value of 1,585,700 cubic meters on Page 14 would inundate the entire 131-

A



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SURVEYORS

acre parcel to a depth of approximately 10-feet; this does not seem realistic. In addition, the proposed fill volume for the project of approximately 250,000 cubic meters should not be assumed to be the actual volume of floodplain storage displaced. A more appropriate value would be to assume the displacement of approximately 45-acres at a depth of 6-inches (which is equal to approximately 28,000 cubic meters.)

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(cont'd)

Increased Impervious Surfaces

If a portion of the increase in water surface elevation at the confluence of SLO Creek and Prefumo Creek is related to the increase in impervious surfaces on-site, please provide additional supporting calculations regarding the 100-year design storm characteristics, the timing of hydrographs from the major watersheds (SLO Creek, Upper Prefumo, and Lower Prefumo), and the resulting 100-year peak flows generated from combining the project site, SLO Creek and Laguna Lake hydrographs.

We thank you in advance for a prompt response to this request.

CIVIL ENGINEERING

Hydrology and Hydraulics

Utilities and Infrastructure

Grading and Drainage

Erosion and Flood Control

Streets and Highways

MECHANICAL ENGINEERING

Pipelines and Facility Design

Equipment and Reliability Programs

HVAC

Construction Management

Hazard Analysis

STRUCTURAL DESIGN

Buildings: Commercial Residential,

Industrial

Industrial Equipment Structures

Site Stabilization Structures

Structural Retrofits

PLANNING

Site Feasibility and Planning

Public Representation

Entitlements and Approvals

City and Regional Planning

SURVEYING

Topographic Surveys

Control Surveys

Boundary Surveys

Construction Layout

Mapping and Imaging

Letter #11 (2)

MEMO



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SURVEYORS

CIVIL ENGINEERING

Hydrology and Hydraulics

Utilities and Infrastructure

Grading and Drainage

Erosion and Flood Control

Streets and Highways

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Structural Retrofits

PLANNING

Site Feasibility and Planning

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Mapping and Imaging

Date: March 11, 2004

To: Ms. Pam Ricci

From: Michael Cannon

Company: City of San Luis Obispo

Phone: (805) 544-7407

Address: Community Development
Department
City of San Luis Obispo
990 Palm Street
San Luis Obispo, CA 93401

Fax: (805) 544-3863

Project No.: 96-0705.12

CC: Jay Walter, Richard Daulton, Chien Wang, Bill Bird, Michael Morris, Richard Tanaka

Subject: Dalidio/San Luis Marketplace Annex. And Development Project Draft EIR

Number of pages to follow: 1

We have reviewed **Section 4.2 Drainage and Water Quality** of the draft EIR for the proposed project and have prepared the following comments.

1. Page 4.2-1, Paragraph 1, reference to Questa, 2003 report - In the section titled "Potential Impacts, Dalidio Property Import Fill, Floodplain Storage" of Questa, 2003, pages 12 through 15, we would like to review the calculations and modeling information supporting the conclusion of a 3-inch increase in the 100-year water surface elevation at the SLO/Prefumo Creek confluence derived from *loss of floodplain storage and increased impervious surfaces*. The report is unclear regarding the contributions of each of these project impacts has on the calculated 3-inch rise in water surface elevation.

Loss of Floodplain Storage

In reviewing the estimated storage volumes that were used in the modeling effort to predict the impacts of loss of floodplain storage, the assumed values appear to be over-estimated. The published value of 1,585,700 cubic meters on Page 14 would inundate the entire 131-acre parcel to a depth of approximately 10-feet; this does not seem realistic. In addition, the proposed fill volume for the project of approximately 250,000 cubic meters should not be assumed to be the actual volume of floodplain storage displaced. A more appropriate value would be to assume the displacement of approximately 45-acres at a depth of 6-inches (which is equal to approximately 28,000 cubic meters.)

Increased Impervious Surfaces

If a portion of the increase in water surface elevation at the confluence of SLO Creek and Prefumo Creek is related to the increase in impervious surfaces on-site, we would like to review the supporting calculations regarding the 100-year design storm characteristics, the timing of hydrographs from the major watersheds (SLO Creek, Upper Prefumo, and Lower Prefumo), and the resulting 100-year peak flows generated from combining the project site, SLO Creek and Laguna Lake hydrographs.

2. Page 4.2-1, Paragraphs 3 and 4 - Please clarify the apparent discrepancy between the two paragraphs. Paragraph 3 states "...the proposed project would result in loss of floodplain storage and an increase in impervious surface area. These on-site impacts would increase

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(Cont'd)

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floodwater surface elevations across the Dalidio Property, in Prefumo Creek and in San Luis Obispo Creek downstream of Prefumo Creek. The predicted increases in water surface elevations are above significance thresholds outlined in the San Luis Obispo Creek Watershed Management Plan design manual. These on-site flooding issues constitute a Class 1, significant and unavoidable, impact." Paragraph 4 states "...Because of the proximity of the site to potential flooding areas, which would allow runoff to clear these areas prior to peak watershed flows, development of the Dalidio property would not add to the overall flooding peak for the watershed if the proposed drainage improvements were constructed."

3. Page 4.2-2, Paragraph 2, second sentence – Please clarify: the Lower Prefumo sub-basin measures only 1.64 km² (0.63 square-miles); the watershed feeding into Laguna Lake measures 13.5 square-miles.
4. Page 4.2-6, Paragraph 4, first sentence – Please clarify: Prefumo Creek below Laguna Lake only forms a *portion* of the southern boundary of the Dalidio Property.

5. Page 4.2-14 and Page 4.2-16, Impact DW-1 - In general, we disagree with the statement that Impact DW-1 should be considered an unavoidable and inmitigable impact. We believe that there are on-site alternatives to mitigate: loss of floodplain storage and increased impervious surfaces. On-site alternatives to mitigate *loss of floodplain storage* include over-excavation or ponding to balance the displaced floodplain storage. Alternatives to mitigate *increases in impervious surfaces* include detention of parking lot runoff; however, as stated in previous reports,

"Any delays in runoff originating below Laguna Lake leaving the Prefumo Creek watershed will likely cause the detained flow to be added to the higher flows being released from Laguna Lake, potentially making flooding along Prefumo Creek worse. Consequently, the use of detention basins to mitigate increased runoff rates in the area draining to Prefumo Creek is not desirable and could even exacerbate the flooding along lower Prefumo Creek."

6. Page 4.2-16, Paragraph 2 – The conceptual grading and drainage plan is designed to convey the San Luis Creek split flow regime (flows coming across Hwy 101) on either side of the project, such that first floor elevations have at least 1-ft of freeboard during a 100-year storm event. Split flows generated above Madonna Road Overpass will be conveyed in the westside Madonna Drainage Channel, thereby bypassing the developed areas. Split flow generated near Elks Lane will be conveyed along its existing drainage course adjacent to Embassy Suites, through the proposed Prado Road Interchange embankment and into open space. And, split flow generated near Prado Road will pass through the interchange, into the open space and be conveyed adjacent to the proposed parking lot and structures.
7. Page 4.2-16, Paragraph 3 – The intent of the conceptual grading and drainage plan is to isolate the parking lot storm drain system from the San Luis Creek split flow discharge regime, thereby preventing the on-site storm drain system from being inundated and ensuring escape routes for on-site runoff in excess of the system capacity. Design features can be incorporated into the design to mitigate this concern.
8. Page 4.2-20, c. Cumulative Impacts - While it is unclear whether or not there are offsite cumulative impacts associated with this Project, there are alternatives for mitigating cumulative impacts which include providing proportional impact fees for projects identified in the Waterway Management Plan as stated in Section 5.2.3, No Adverse Impact Policy.

Letter 11

COMMENTOR: Michael Cannon

DATE: February 25, 2004 and March 11, 2004

RESPONSE:

Response 11A

Refer to Response PC-25.

Response 11B

Refer to Response PC-25.



Letter #12 (1)

2-25-2004

To:

City of San Luis Obispo and Planning Commission of City of San Luis Obispo

From:

Michael C. Sullivan
1127 Seaward Street
San Luis Obispo, CA 93405
(805) 545-9614

Submitted @ 2-25-04
PC mtg.

RE: Planning Commission, public hearing of 25 Feb. 2004, Dalidio Property Annexation Draft EIR

Abbreviations

CEQA - California Environmental Quality Act

PC - Planning Commission

PCSR - Planning Commission Staff Report

TIF - Transportation Improvement Fund

1. Planning Commission review should be postponed until close of public comment period.

The Planning Commission staff report (PCSR) at p. 2 states, "The CEQA Guidelines state that the public meeting allows for 'direct communication between the reviewers and the lead agency' and 'provides an opportunity for members of the public to learn of the concerns of other people testifying about the project'." (Quoting from Bass, R. (1999). CEQA deskbook. 2nd ed., p. 231)

CEQA Guidelines 15088, Evaluation of and Response to Comments (on the draft EIR). requires that "the lead agency shall evaluate comments on the environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments." Guidelines 15088(a). If the City is using the response of the Planning Commission as part of its overall response to comments, or as a basis for such responses, then today's Planning Commission hearing is premature. The public comment does not end until March 10, 2004. Therefore, the Planning Commission's hearing on the draft EIR should be postponed until after March 10, 2004, so that all public comments can be received and so the PC will have all public comments available when it makes its response.

2. Draft EIR must include analysis of direct and indirect effects of Prado Rd/US 101 interchange financing plan.

This project will use a financing scheme that diverts some public money from sales tax to the City's Transportation Improvement Fund (TIF) to help pay for the Prado Road / U.S. 101 interchange which is likely to cost tens of millions of dollars. This increased demand on the TIF funds could lead to a diminishment of the general TIF monies

A

B

available to the city. This could lead to environmental effects such as increased traffic congestion, if those monies are not available for necessary road, street, and transit improvements. This issue is especially critical currently, when this week's newspaper articles have discussed the State's budget problems and the particular financing problems related to transportation funding.

B
(cont'd)

The fiscal impact of the Prado Road funding scheme and the role of potentially insufficient transportation improvement funding in causing future traffic congestion (a physical change) must be addressed as part of this draft EIR. "Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project." CEQA Guidelines 15064(e).

3. The alternatives analysis is deficient.

One alternative (Alt. 6) proposes locating more of the commercial development on adjacent commercially zoned property to the north. This alternative is generally environmentally superior to the other alternatives that meet the objectives of providing commercial uses (draft EIR at p. 7-23, Table 7-1). "The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." CEQA Guidelines 15126.6(d). The information in the draft EIR does not fully explain why Alt. 6 was rejected. For example, there is no quantitative information about the amount of traffic congestion at intersections under this alternative. The information in the draft EIR does not fully explain the advantages of the Alt. 6 in terms of General Plan consistency, e.g. Open Space policy 10.2.1C for transfer of development rights.

C

4. Segmented analysis of Prado Road traffic impacts (direct and indirect) is not allowed under CEQA.

The evaluation of traffic impacts and growth inducing impacts is deficient and does not comply with CEQA's mandate to avoid "piecemeal" planning. The entire Prado Road corridor (from Broad Street to U.S. 101 and continuing across U.S. 101 to Madonna Road along the part currently known as Dalidio Drive) must be analyzed as an entire unit. The City has attempted to break up this analysis into several parts, for example, the part for the "northern alignment" of Prado Road (considered in separate Council action in 2000 and 2001), the Margarita / Airport Specific Plan (being considered separately currently), and the Dalidio annexation plan (being considered separately currently).

D

In the preparation of the Initial Study, "All phases of project planning, implementation, and operation must be considered in the initial study of the project." CEQA Guidelines 15063(a). "Piecemealing" or segmenting of environmental analyses is not allowed. Remy, M et al. (1999). Guide to the California Environmental Quality Act. 10th ed. p. 75, 235-237, 244, 362, 364-365, 372-373, 374, 457-458, 473-474.

5. Proposed connector road to LOVR must be analyzed for potential impacts.

The draft EIR should have analyzed the "reasonably foreseeable" impact of the proposed future road connecting the Dalidio project to Los Osos Valley Road. Remy 1999, p. 365 re Laurel Heights Improvement Assoc of San Francisco v. Regents of the

E

Univ. of Calif. (1988) 47 Cal 3d 376, 393-399. The draft EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. CEQA Guidelines 15151. The proposed connector road would certainly have direct and cumulative traffic impacts on the already congested Los Osos Valley Road and other nearby roads (e.g. U.S. 101, Madonna Rd., etc.).

E
(cont'd)

5. The proposed amount of open space (44.8%) is inconsistent with the General Plan requirement (about 50%).

"Dalidio area properties (generally bounded by Highway 101, Madonna Road, and Los Osos Valley Road) shall dedicate land or easements for the approximately one half of each ownership that is to be preserved as open space." Land use element of General Plan, Policy 1.13.5(E). This difference between 44.8% and 50% is significant, representing about 6.8 acres. Furthermore, some of the proposals for certain uses within the open space area (e.g. Asian gardens, pavilion, "race track" with viewing stands, etc.) are inconsistent with the definition of open space as preservation in a "predominantly natural or undeveloped state" (Open Space element, 1994) and "generally free of structures" and providing "visual relief from urban development" (Open Space / Conservation element hearing draft 2002).

F

Bibliography

Bass, R. (1999). CEQA deskbook. 2nd ed.

Remy, M. et al (1999). Guide to the California Environmental Quality Act. 10th ed.

Michael C. Sullivan

Michael C. Sullivan

2-25-04

Letter #12 (2)

3-11-2004

To:

City of San Luis Obispo and Planning Commission of City of San Luis Obispo

MAR 11 2004

COMMUNITY DEVELOPMENT

From:

Michael C. Sullivan

1127 Seaward Street

San Luis Obispo, CA 93405

(805) 545-9614

RE: Draft EIR - Dalidio / San Luis Marketplace Annexation and Development Project Property
Annexation Draft EIR (dated January 2004) - State Clearinghouse No. 20030221089

Abbreviations

CEQA - California Environmental Quality Act

EIR - environmental impact report

GL - CEQA Guidelines

LOVR - Los Osos Valley Road

PC - Planning Commission

SLO - San Luis Obispo

TIF - Transportation Improvement Fund

1. Draft EIR must include analysis of direct and indirect effects of Prado Rd/US 101 interchange financing plan.

This project will use a financing scheme (Ref D-1) that diverts some public money from sales tax to the City's Transportation Improvement Fund (TIF) to help pay for the Prado Road / U.S. 101 interchange which is likely to cost tens of millions of dollars. This increased demand on the TIF funds could lead to a diminishment of the general TIF monies available to the city. This could lead to environmental effects such as increased traffic congestion, if those monies are not available for necessary road, street, and transit improvements. This issue is especially critical currently, when this week's newspaper articles have discussed the State's budget problems and the particular financing problems related to transportation funding.

The fiscal impact of the Prado Road funding scheme and the role of potentially insufficient transportation improvement funding in causing future traffic congestion (a physical change) must be addressed as part of this draft EIR. "Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project." CEQA Guidelines 15064(e).

G

2. The alternatives analysis is deficient.

One alternative (Alt. 6) proposes locating more of the commercial development on adjacent commercially zoned property to the north. This alternative is generally environmentally superior to the other alternatives that meet the objectives of providing commercial uses (draft EIR at p. 7-23, Table 7-1). "The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." CEQA Guidelines 15126.6(d). The information in the draft EIR does not fully explain why Alt. 6 was rejected. For example, there is no quantitative information about the amount of traffic congestion at intersections under this alternative. The information in the draft EIR does not fully explain the advantages of the Alt. 6 in terms of General Plan consistency, e.g. Open Space policy 10.2.1C for transfer of development rights. Also consider:

Open space element 1994 p. 65, para. 1.A.3: "3. Consider a transfer of commercial development potential from the Dalidio site's commercial area to the Madonna and Central Coast Plaza sites. Such a program could (A) form one viable shopping center versus three largely independent centers, and (b) allow additional prime farmland to be preserved as agriculture."

Project is inconsistent. Alternative 6 would facilitate implementation of this open space policy. However, the Dalidio project ignores this objective from the Open space element and instead rejects the concept of Alternative 6.

3. Segmented analysis of Prado Road traffic impacts (direct and indirect) is not allowed under CEQA. Traffic study area is inadequate under CEQA.

The evaluation of traffic impacts and growth inducing impacts is deficient and does not comply with CEQA's mandate to avoid "piecemeal" planning. The entire Prado Road corridor (from Broad Street to U.S. 101 and continuing across U.S. 101 to Madonna Road along the part currently known as Dalidio Drive) must be analyzed as an entire unit. The City has attempted to break up this analysis into several parts, for example, the part for the "northern alignment" of Prado Road (considered in separate Council action in 2000 and 2001), the Margarita / Airport Specific Plan (being considered separately currently), and the Dalidio annexation plan (being considered separately currently).

In the preparation of the Initial Study, "All phases of project planning, implementation, and operation must be considered in the initial study of the project." CEQA Guidelines 15063(a). "Piecemealing" or segmenting of environmental analyses is not allowed. Remy, M et al. (1999). Guide to the California Environmental Quality Act. 10th ed. p. 75, 235-237, 244, 362, 364-365, 372-373, 374, 457-458, 473-474.

At PC hearing (25 Feb 2004) commissioner Boswell stated that the study area for traffic impacts is too small. This is indeed the case. The traffic study does not adequately consider potentially significant traffic impacts in a regional or cumulative context. For example, the Prado road traffic from the Dalidio site would add a substantial amount (about 12 %) of project-generated traffic to the Prado Road route, thereby causing significant impacts in the Margarita area and beyond (e.g. Broad Street), yet this has not been adequately analyzed. The Costco draft

EIR (3/2003) at p.V-88, para. c, had predicted the potential necessity to widen US 101 in southbound lanes within 10 years, yet there is no analysis of how the Dalidio project could exacerbate that problem. The Margarita and Airport projects and Orcutt plan would have substantial additional impacts on traffic problems at and near the Dalidio site, and these concerns have not been adequately addressed. There is no adequate analysis of how the proposed collector road (from Dalidio site to LOVR) would impact LOVR traffic, southbound 101 traffic, or level of service at LOVR/101 interchange. There is no adequate analysis of probable significant traffic impacts along LOVR west of Madonna Road and continuing to town of Los Osos. There is no adequate analysis of potential traffic impacts on Buckley Road. There is no analysis of how the additional traffic from Margarita and Airport areas might impact certain congestion locations which are already classified as Class I impacts (e.g. Madonna Road at LOVR, US 101 ramps near Prado Rd); as a result, these impacted areas could suffer from even more severe traffic congestion. Additional studies and/or a supplemental EIR would be required to properly address all these issues and other similar regional impacts from this large retail center.

J
(cont'd)

4. Proposed connector road to LOVR must be analyzed for potential impacts.

The draft EIR should have analyzed the "reasonably foreseeable" impact of the proposed future road connecting the Dalidio project to Los Osos Valley Road. Remy 1999, p. 365 re Laurel Heights Improvement Assoc of San Francisco v. Regents of the Univ. of Calif. (1988) 47 Cal 3d 376, 393-399. The draft EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. CEQA Guidelines 15151. The proposed connector road would certainly have direct and cumulative traffic impacts on the already congested Los Osos Valley Road and other nearby roads (e.g. U.S. 101, Madonna Rd., etc.).

K

5. The proposed amount of open space (44.8%) is inconsistent with the General Plan requirement (about 50%). Project is inconsistent with various other parts of General Plan.

"Dalidio area properties (generally bounded by Highway 101, Madonna Road, and Los Osos Valley Road) shall dedicate land or easements for the approximately one half of each ownership that is to be preserved as open space." Land use element of General Plan, Policy 1.13.5(E). This difference between 44.8% and 50% is significant, representing about 6.8 acres, which is a significant difference. Furthermore, some of the proposals for certain uses within the open space area (e.g. Asian gardens, pavilion, "race track" with viewing stands, etc.) are inconsistent with the definition of open space as preservation in a "predominantly natural or undeveloped state" (Open Space element, 1994) and "generally free of structures" and providing "visual relief from urban development" (Open Space / Conservation element hearing draft 2002).

L

The concept of "open space for some development compromise" (Ref D-1 at p. 2-3) is also inconsistent with the General Plan. At PC hearing of 25 Feb 2004, discussion on this topic pointed to the precedent of the Irish Hills land use policies which require dedication of off-site open space. The situation at the Dalidio site, however, is different. Here, there is no General Plan policy that states that at the Dalidio site, the amount of open space (50%) may be reduced by a trade for off-site open space dedications.

The city already has implementation schemes to procure open space lands at the city periphery or outside city limits. (See Open space element 1994, Chap. IV, Implementation mechanisms.). That program has been successful in procuring various lands near the city. There is no justification to allow a relaxation of normal land use policy (i.e. requirement for 50 % open space at Dalidio site) just because off-site open space lands are proposed as a trade. The city needs to look at the intent and purpose of the 50 % open space requirement. The purpose of this requirement is to provide the important "gateway" character of the Dalidio site which has traditionally been in agricultural use. The proposal for substantially less than 50 % open space at the Dalidio site defeats this purpose of the General Plan policies.

L
(cont'd)

Other inconsistencies with General Plan:

Land use element (7/2002)

- Policy 6.4.7 - The city encourages the use of porous paving to facilitate rainwater percolation. Parking lots and paved outdoor storage areas shall, where practical, use one or more of the following measures to reduce surface water runoff and aid in groundwater recharge: porous paving; ample landscaped areas which receive surface drainage and which are maintained to facilitate percolation; drainage detention basins with soils that facilitate percolation.

M

Project is inconsistent. No porous paving or other features are proposed. At PC hearing of 25 Feb 2004, commissioner Christianson was concerned with cumulative effect of additional runoff and flooding from paved areas at Dalidio site.

- Policy 8.8 - Dalidio-Madonna- McBride Area ... "The City intends to preserve significant parts of this signature working agricultural landscape at the southern gateway to San Luis Obispo."

N

Project is inconsistent. Less than the required 50 % is preserved in open space.

Open space element (1/1994) page 65 - Policies within the urban reserve line and the city limit line - When the remaining unincorporated area bounded by LOVR, Madonna Rd, and Highway 101 is annexed to the city:

O

1. Preserve as agriculture the southern portion of the Dalidio property, and the northern portions of the McBride and Madonna properties (all designated open space by the LUE map);

Project is inconsistent. Only 44.8 % is proposed as open space rather than the required 50 %. Taking agricultural buffers into account, the net acreage of land remaining for agricultural use will be minimal, and would probably be too small for viable commercial agricultural use.

2. Preserve as open space (A) Prefumo Creek and associated creek setback area, and (B) the portion of the Dalidio property utilized by herons and other unique resources or sensitive habitat;

P

Project is inconsistent. Some urban type uses (e.g. "race track", grandstand, parking lots, roadways (connection to LOVR), pavilion, Chinese Garden, etc.) may encroach close to these sensitive areas. Such urban uses are not permitted uses within open space.

Also, the proposed buffer width is insufficient to protect the riparian areas. The city should "preserve creeks and their corridors as open space, and maintain creek corridors in essentially a natural state....." (Open space element 1994, p. 22, para. 1.A.)

"Easements as a condition of discretionary and development approvals shall be required in creek corridors and creek setback areas. (Open space element 1994, p. 25, para. 3.A.)."

Project is potentially inconsistent. Has such an easement been required? Where is it specified and detailed?

Open space element 1994 p. 91, General Policy H. The city shall (mandatory)...

"H. Maintain agricultural uses (through lease-back procedures or other means) on agricultural lands or portions of such lands provided natural resources are protected (such as sensitive habitat, creeks, wetlands, and unique resources."

Project is inconsistent. There is no adequate implementation scheme to ensure that this mandatory city policy can be realized at the Dalidio site.

3. Consider a transfer of commercial development potential from the Dalidio site's commercial area to the Madonna and Central Coast Plaza sites. Such a program could (A) form one viable shopping center versus three largely independent centers, and (b) allow additional prime farmland to be preserved as agriculture.

Project is inconsistent. Such a program would have been feasible with Alternative 6. But if City abandons alternative 6, an inconsistency with General Plan policies exists.

6. Proposed agricultural buffers are probably insufficient.

Other jurisdictions (e.g. certain other California counties and cities) have required wider buffers (for example, 200 ft.) to adequately protect people from pesticides, dust, etc from farming operations.

7. Proposed architectural design and site design are inconsistent with general design guidelines for City of SLO.

The project proposes "big box" stores and a huge hotel. In spite of some minor modifications proposed by Architectural Review Commission, this project would still resemble a 1960's style shopping center. Previous city hearings had presented design concept advocating a "new urbanism" approach. This concept has been abandoned for an outmoded big box concept. "Any permitted expansion should be aesthetically and functionally compatible with existing development in the area." (Land use element Policy 3.1.3, Madonna Road Area Retail Expansion). The proposed exception for size and bulk is not warranted.

8. Draft EIR does not adequately assess growth inducing impacts.

Obviously, the large number of new employees would have a "multiplier effect" on the local economy, causing demand for more housing and causing more local economic growth by spending of new employees and new residents. This analysis is completely inadequate in the draft EIR. In addition, the additional new jobs would cause a rise in demand for housing that

P
(cont'd)

Q

R

S

T

U

V

would upset the jobs/housing balance, inconsistent with Land use element (2002) policy 1.4 for Growth Management: "The gap between housing demand (due to more jobs and college enrollment) and supply should not increase."

✓
(cont'd)

9. Proposed project is inconsistent with Housing element of General Plan.

The existing Housing element (1994) and the draft update of the Housing element recognizes the severe shortage of affordable housing in the city and encourages the city to provide more housing through mixed use in commercial developments. For example, the 1994 Housing element policy 1.22.2 states, "The city will adopt measures to encourage creating housing that's affordable to all its citizens, and to prevent loss of existing affordable housing." Policy 1.25.2 states, "Where housing can be compatible with offices or other businesses, mixed-use residential/commercial projects should be encouraged." The proposed project ignores these policies. The project would eliminate the housing component which had been in the earlier plan. The project provides no mixed use housing. As a result, the "housing crunch" will only get worse.

W

By adopting Alternative 6, the city has an opportunity to provide additional housing by means of a mixed use, higher density project on Promenade and/or Madonna Plaza commercial sites. At the same time, the city could eliminate or reduce the need for destruction of prime agricultural land at the Dalidio site. However, if Alternative 6 is rejected, such goals are ignored.

X

Michael C. Sullivan
3-11-2004

Bibliography

Books

Bass, R. (1999). CEQA deskbook. 2nd ed..

Remy, M. et al (1999). Guide to the California Environmental Quality Act. 10th ed.

Documents

D-1: City of SLO (06 Jan 2004). Council agenda report. Discussion and direction regarding proposed terms of tentative development agreement for the San Luis Obispo Marketplace project.

Letter 12

COMMENTOR: Michael Sullivan

DATE: February 25, 2004 and March 10, 2004

RESPONSE:

Response 12A

The commentor expresses opinions regarding the City's conduct of a public hearing during the Draft EIR review period. CEQA Guidelines Section 15087(i) states that, "public hearings may be conducted on the environmental documents, wither in separate proceedings or in conjunction with other proceedings of the public agency. Public hearings are encouraged, but not required as an element of the CEQA process." The City typically holds public hearings on the Draft EIR during the review period so that more members of the public would be encouraged to participate and still have the opportunity to submit their written comments before the end of the review period. All of the comments received during the public review period have been responded to in this Final EIR.

Response 12B

Refer to Response PC-11.

Response 12C

Refer to Responses PC-12 and PC-74.

Alternative 6 would allow for greater preservation of open space on the project site, when compared to the proposed project. City General Plan Open Space Element Policy 10.2.1C states that "Transfer of commercial development potential from the Dalidio site's commercial area to the Madonna Plaza and Central Coast Plaza sites *should be considered*. Such a program could form one viable shopping center versus three largely independent centers, and allow additional prime farmland to be preserved as agriculture" (italics added). This policy is therefore an advisory policy rather than a mandate.

Response 12D

Refer to Response PC-8

Response 12E

Refer to Response PC-12.

Response 12F

The commentor states the opinion that the project does not meet the open space requirements of the General Plan. Policy 1.13.5, Open Space, requires that properties in the Dalidio area, "shall dedicate land or easements for the approximately one-half of each ownership that is to be preserved as open



space.” With development of the project, the City will obtain an open space easement over 58.67 acres of the Dalidio property. About 50 acres of that open space includes prime agricultural soils. In addition, the project applicant proposes to fund off-site conservation easement of 20 acres of prime agricultural soils. The development site is approximately 131 acres; therefore, land equal to approximately 60% of the site would be dedicated as open space, which would satisfy this policy.

Response 12G

Refer to Response 12B.

Response 12H

Refer to Response 12C.

Response 12I

Refer to Response 12D.

Response 12J

The commentor states the opinions that the traffic study area is too small and that the project would add substantial traffic to Prado Road thus causing impacts in the Margarita area and beyond (e.g. Broad Street). The commentor also states the opinion that the EIR does not provide an adequate analysis of LOVR west of Madonna Road and continuing to the Community of Los Osos. The study locations in Section 4.10, *Traffic and Circulation*, of the Draft EIR were selected in consultation with City of San Luis Obispo Public Works staff. The project traffic distributed to Prado Road and Tank Farm Road east of Higuera Street would be distributed over a fairly large area that includes the Margarita area, Broad/Orcutt Area, and Tank Farm Road east of Broad Street. With project traffic “spread” over these areas, potential impacts were only anticipated where this traffic would be concentrated (i.e., near the Prado Road/Higuera Street and Tank Farm Road/Higuera Street intersections) closer to the project site. Thus, the analysis was focused on the Higuera Street corridor. The potential effect of the project on circulation in this area along LOVR west of Madonna Road is also addressed by the analysis of neighborhood impacts to Oceanaire Drive and the corresponding mitigation to fund a traffic monitoring study.

The commentor states the opinion that the Costco DEIR predicted the potential necessity to widen Highway 101 in southbound lanes in 10 years, yet there is no analysis of how the proposed project would exacerbate those conditions. It should be noted that the current City General Plan Circulation element does not identify plans to widen Highway 101 to 6 lanes. The operations of the freeway system were evaluated for 10-Year conditions with and without the proposed project, and the results of this analysis are presented in Tables 4.10-13 and 4.10-14 in Section 4.10, *Traffic and Circulation*, of the Draft EIR. The impact analysis showed that Mitigation Measure, T-7 (a) would be required, which includes the addition of a southbound auxiliary lane on Highway 101 between Prado Road and LOVR. Auxiliary lanes are proposed south of Prado Road as part of the future LOVR interchange improvements and would provide additional freeway capacity.



The commentator states the opinion that the Margarita and Airport projects and Orcutt plan would have substantial additional impacts on traffic problems at and near the project site. The commentator also states the opinion that the EIR does not provide an adequate analysis of how additional traffic from the Margarita and Airport areas might impact certain congestion locations which are already classified as Class I impacts (e.g. Madonna Road at LOVR, Highway 101 ramps at Prado Road). Land uses from plans approved at the time of analysis were included in the City's traffic model, which was used to generate the 10-year and buildout traffic volumes. Land uses in the Margarita and Airport and Orcutt areas were included in the analysis of Buildout Conditions, and the impacts of these uses are incorporated in the analysis.

The commentator states the opinion that the EIR does not provide an adequate analysis of how the collector road would impact LOVR traffic, southbound Highway 101 traffic, or the LOVR interchange. Table 4.10-20 and the accompanying text in Section 4.10, *Traffic and Circulation*, of the Draft EIR presents an analysis of impacts to nearby roadway segments with the extension of the proposed new collector street from Dalidio Drive to LOVR. This evaluation included Highway 101 and segments of LOVR from Madonna to the LOVR interchange. The results of this study showed that the new collector street would not substantially change traffic patterns in the Highway 101 corridor or on LOVR south of the new street but would result in slight reductions in traffic on these segments. This is due to the street layout, where use of LOVR is circuitous for traffic originating from and destined for points to the north on Highway 101. Overall, the new Prado Road interchange has much more of an areawide effect on circulation on major roadways than the new collector street.

The commentator states the opinion that the EIR does not provide an adequate analysis of probable significant traffic impacts along Buckley Road. Based on the projected turning movements at the LOVR/Higuera Street intersection, project traffic from the south on Buckley Road is estimated to be less than an average of one vehicle per minute during the PM peak hour for any single turning movement. This level of traffic is expected to have a negligible effect on operations on Buckley Road.

Response 12K

Refer to Response PC-12.

Response 12L

Refer to Response 12F.

Uses proposed in the open space area with the alternatives, such as the racetrack, grandstand, asian garden, and other facilities, are presented as development alternatives and not a part of the proposed project. The City's definition of Open Space as stated in Appendix A of the Open Space Element (January 1994) includes "passive recreation areas" as open space and states that although active recreational uses, "do not strictly meet the definition of open space, they provide many of the same benefits and are viewed as complementary to designated open space." The racetrack and grandstand are included in the alternatives to reduce cultural resources impacts associated with the proposed project. Approval of the annexation and development of the subject property would require the City to find that the proposal is consistent with the General Plan. The City's Open Space Element could be interpreted by the



project decision makers to allow active recreational uses within open space areas, as appropriate.

Response 12M

The commentor states the opinion that the proposed project is inconsistent with General Plan Land Use Element Policy 6.4.7. As stated in Mitigation Measure DW-1(a) in Section 4.2, *Drainage and Water Quality*, of the Draft EIR, consistent with Land Use Element Policy 6.4.7 (General Plan Digest), the applicant shall be encouraged to use pervious paving material to facilitate rainwater percolation. Parking lots and paved outdoor storage areas shall, where feasible, use pervious paving to reduce surface water runoff and aid in groundwater recharge. The applicant shall implement landscape swales as feasible and appropriate to allow for increased percolation of water on the project site.

As discussed in Section 4.2, *Drainage and Water Quality*, of the Draft EIR, “it is important to note that given the sensitivity of the Lower Prefumo Creek flooding conditions to the timing of peak flows that no detention systems within the project site were proposed for the Dalidio Property as mitigation measures. Delaying peak flows within the subbasin may result in Prefumo tributary peak flows coinciding with San Luis Obispo Creek flow at the Prefumo Creek and San Luis Obispo Creek confluence. Thus, this potential combined higher peak flow at the confluence would increase flooding water surface elevations at an existing flood hazard site.”

Cumulative drainage and water quality impacts are also described in Section 4.2, *Drainage and Water Quality*, of the Draft EIR.

Response 12N

Refer to Response 12F.

Response 12O

The commentor states the opinion that the proposed project is inconsistent with the General Plan Open Space Element. Refer to Response 12F regarding the open space requirements for the project. Mitigation measure AG-1(c) in Section 4.6, *Agricultural Resources*, of the Draft EIR ensures that the land remaining after development will be available for agriculture production and “the current farmer would consider the 52 acres as an agriculturally viable unit for row crop production and has expressed interest in continuing to farm on-site” (Draft EIR p. 4.6-7).

Response 12P

The commentor states the opinion that the proposed project is inconsistent with the General Plan Open Space Element. Mitigation measures BIO-1(b), BIO-1(c), BIO-1(e) in the Draft EIR require site disturbance setbacks from sensitive habitats. Mitigation measure BIO-3(a) requires a 35 foot buffer from Prefumo Creek and a 20 foot buffer from the drainage channel. Uses proposed in the alternatives such as the racetrack, grandstand, asian garden, and other facilities are presented as alternatives to the project that address other potential project impacts. The alternatives analysis recognizes that these uses, located near the riparian habitat would have greater impact on biological resources than the proposed project (Draft EIR, p. 7-17).



Nevertheless, the mitigation measures described for the proposed project would also apply to this alternative.

Response 12Q

As stated in City General Plan Open Space Element Policy OS 3.2.3(A):

“Creek corridors and creek setback areas should be preserved through easements or dedications. Subdivision parcel lines or easements shall be located to optimize resource protection. Easements as a condition of discretionary and development approvals shall be required in creek corridors and creek setback areas only for structural additions or new structures, not for accessory structures or tree removal permits, and in a manner consistent with acquisition policies contained in Section 15, Implementation Mechanisms. If a creek is located within an open space parcel or easement, allowed uses and maintenance responsibilities within that parcel or easement should be clearly defined and conditioned prior to map or project approval.”

This policy is an advisory policy and only mandates easements as a condition of approval for structural additions or new structures within creek corridors and creek setback areas. Therefore, the dedication of easements would only be required if structures were to encroach into the creek corridor or setback area, which is not proposed as part of the project. Nevertheless, the City could condition the project to dedicate an easement for the creek corridors and setback areas.

Response 12R

The commentator states the opinion that the project is inconsistent with the General Plan Open Space Element with regard to agriculture land and natural resource protection. The referenced Open Space Element policy (OS 14.2.5) applies to City-owned or City-managed open space lands. Mitigation measures [AG-1(a), AG-1(b), and AG-1(c)] include dedicating a permanent agricultural easement to a conservation organization on the remaining farmland on the site and maintaining access and irrigation water to the easement area. Refer to Response 12P for a discussion on protection of natural habitat. Refer also to Response 12I.

Response 12S

Refer to Response 12C.

Response 12T

Refer to Response PC-31.

Response 12U

The commentator states opinions regarding the architectural compatibility of the proposed project with other development in the area. As described in Section 5.0, *Land Use*, of the Draft EIR, the proposed project would be consistent with Land Use Policy 3.1.3. As described therein, the applicant has submitted a detailed development plan package that describes the scale of



retail development contemplated and needed extensions of roads and services. As described in Section 4.7, *Aesthetics*, the project would be aesthetically compatible with the adjacent existing commercial development, pending review of components by the City's Architectural Review Commission (ARC). The ARC will determine if the project is consistent with the City's Community Design Guidelines.

Response 12V

Refer to Response PC-39.

Response 12W

Although the existing Housing Element *encourages* the development of affordable housing through mixed use development as noted by the commentor, the Housing Element does not require the implementation of housing on specific commercial development sites, such as the proposed project. As described in Section 5.0, *Land Use*, of the Draft EIR, on March 2, 1999, the City Council adopted Ordinance No. 1348 to implement the inclusionary housing program. Consistent with this program, the applicant may pay applicable fees rather than developing housing on the site. The specific requirement is to pay in-lieu fees equal to 2% of building valuation. However, it should be noted that the Residential/Commercial Mixed Use Plan Alternative, in Section 7.3 of this EIR, describes the possibility of providing about 4 acres of on-site housing.

Response 12X

The commentor states the opinion that Alternative 6 should not be rejected. Refer to Responses PC-12 and PC-74.



Letter #13 (1)

Secretary

DRAFT EIR DALIDIO
PLANNING COMMISSION MEETING
February 25, 2004

Submitted @
2-25-04
PC mtg.

PROPOSAL

Go for an Alternative 8, which reduces vehicular trip generation so that no additional freeway interchange is needed. This means that the project will contain mostly residential (some low-cost housing) and office (for example: a medical center) but no or very little shops. No additional road connection for private vehicles is needed between Madonna Rd. and Higuera St. However, a bridge over the freeway for buses, bicycles, and pedestrians with some greenery on it makes sense (new urbanism, neo traditional town planning).

A

REASON

Such a proposal for the southern part of San Luis Obispo (from Los Osos Valley Rd. to Broad St.) was presented to the public in Spring 2002 at the City County Library by 35 Cal Poly students from Civil Engineering and Landscape Architecture. The Community Development Department (Glen Matteson) and other agencies (Caltrans, SLOCOG) were involved in input and we thank them for it. Some project plans are available at Cal Poly and the project reports are in the Community Development Department of the City. Unfortunately such creative proposals were never discussed by the Planning Commission or the City Council.

Other reasons:

1. ITE trip generation is 10 times less per acre for residential or office than for the proposed commercial development. *Attachment 1.*
2. What is currently needed by State Mandate and the market forces is housing and space for medical facilities.
3. The whole concept of Prado Rd. between Madonna Rd. and Broad St. is unfortunate and is based on the thinking of the 1950s, where this road would have had an extension from Madonna Rd. to O'Conner Way; this extension was rejected by the public a long time ago. The remaining piece of Prado Rd. as a regional road does not make sense. The regional route for Highway 227 should be along Buckley Rd. and lead directly into the freeway interchange of Los Osos Valley Rd. and Highway 101. *Attachment 2.*
4. The Prado Road Concept (and alternatives incl. Buckley Road) as a whole was never tested through an EIR. It was always "*piecemealed*" into segments. Not only is this against CEQA, but the question must be asked: are our citizens not entitled to an educated overall discussion? Will this discussion ever come? *Attachment 3 (Scoping Meeting of March 10, 03)* indicates that the city intends to bypass this basic requirement.
5. The Market Place Project and the cumulative developments along LOVR are clearly in contradiction to the Modal Split goals of the Circulation Element (p. 10).
6. Concerning the land use, it appears, that two "big boxes" with a lagoon of parking around them are enough for San Luis Obispo. (Compare e.g. Davis, Arcata, Corvallis OR, Boulder CO).
7. The traffic model appears to not include the considerable influence of enhanced alternative transportation (as e.g. visible in Boulder, CO) and the phenomenon of induced traffic by the new facility itself.

B

C

D

E

F

G

H

Dear EIR preparers: **Please provide some answers to the above.**

Thank you



Eugene H. Jud, Fellow ITE
665 Leff St.

San Luis Obispo, CA 93401

and other citizens, who spoke up many times

TABLE 1-1

SCREENING CRITERIA FOR PROJECT AIR QUALITY IMPACTS

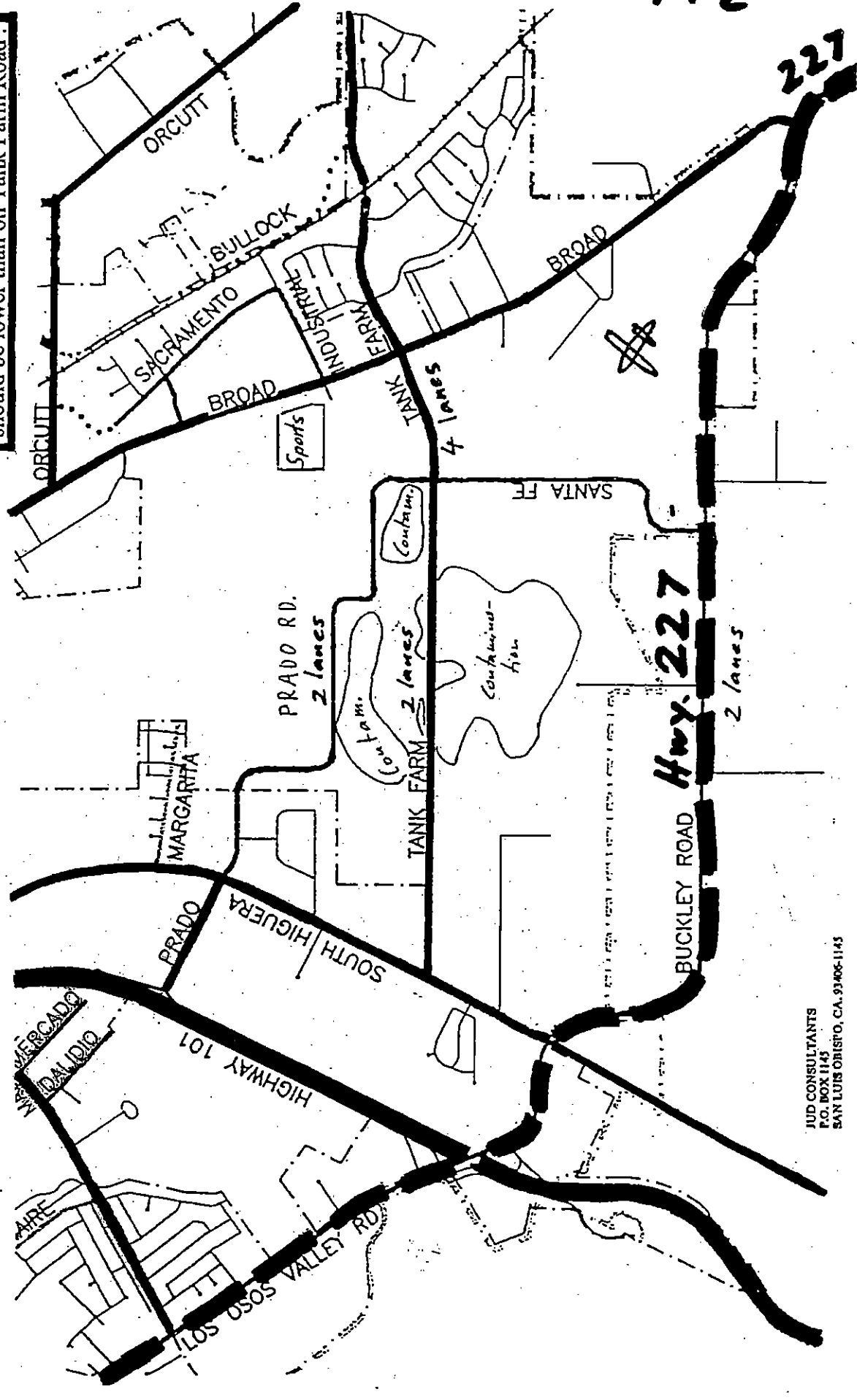
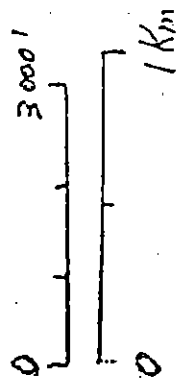
LAND USE	UNIT OF MEASURE	TRIP GENERATION RATE ⁽¹⁾		PROJECT SIZE WHICH WOULD GENERATE:	
		Weekday	Weekend	10 lbs/day of Emissions ⁽²⁾	25 lbs/day of Emissions ⁽³⁾
RESIDENTIAL:					
Single Family	Dwelling unit	10.0	10.0	35	85
Apartments	Dwelling unit	6.5	6.5	50	125
Condominiums (High Rise)	Dwelling unit	4.2	4.3	60	150
Condominiums (Family)	Dwelling unit	5.7	6.5	50	150
Mobile Home Park	Dwelling unit	4.8	5.0	55	135
RETAIL:					
Shopping Center				ANY RETAIL FACILITY WITH GREATER THAN 3,000 SQ. FT. SHOULD BE SENT TO THE <u>DISTRICT FOR REVIEW</u>	
10,000 - 50,000 sq. ft.	1000 sq. ft.	167.6	215.4		
50,000 - 100,000 sq. ft.	1000 sq. ft.	91.7	118.4		
100,000 - 200,000 sq. ft.	1000 sq. ft.	70.7	91.5		
200,000 - 300,000 sq. ft.	1000 sq. ft.	54.5	70.7		
300,000 - 400,000 sq. ft.	1000 sq. ft.	46.8	60.8		
400,000 - 500,000 sq. ft.	1000 sq. ft.	42.0	54.6		
500,000 - 600,000 sq. ft.	1000 sq. ft.	38.7	50.3		
600,000 - 800,000 sq. ft.	1000 sq. ft.	36.4	47.0		
800,000 - 1,000,000 sq. ft.	1000 sq. ft.	33.9	42.2		
1,000,000- 1,200,000 sq.ft.	1000 sq. ft.	32.1	38.8		
Discount Store	1000 sq. ft.	70.1	72.7	7,600 sq. ft.	19,000 sq. ft.
Convenience Market	1000 sq. ft.	738.0	863.1	820 sq. ft.	2,000 sq. ft.
INDUSTRIAL:					
Light Industrial	1000 sq. ft.	7.0	1.3	72,000 sq. ft.	180,000 sq. ft.
Light Industrial	acres	51.8	8.7	9.8 acres	25 acres
Industrial Park	1000 sq. ft.	7.0	2.5	77,000 sq. ft.	190,000 sq. ft.
Industrial Park	acres	62.9	34.2	8.5 acres	21 acres
Manufacturing	1000 sq. ft.	3.9	1.5	110,000sq. ft.	280,000 sq. ft.
Manufacturing	acres	38.9	33.4	11 acres	28 acres
Heavy Industrial	1000 sq. ft.	1.5		140,000 sq. ft.	350,000 sq. ft.
Heavy Industrial	acres	65.3		3.3 acres	8.3 acres
OFFICE:					
Medical Office	1000 sq. ft.	34.2	9.0	20,000 sq. ft.	50,000 sq. ft.
Medical Office	Employee	8.8	4.0	77 Employees	190 Employees
Office Park	1000 sq. ft.	11.4	1.6	45,000 sq. ft.	110,000 sq. ft.
Office Park	Employees	3.5	0.6	150 Employee	370 Employees
Office Park	Acres	195.1	29.3	2.6 acre	6.5 acres

(1) 10 Times less
 (2) 7.0
 (3) 11.4

*) Restaurant : 200 - 800 !

Regional Route
 Arterial
 Collector
 Local Street

A 4
Best Alternative: Concept
 Santa Fe and Prado Road form a 'collector ring road' from Buckley Road to South Higuera Street. Prado Road is close to residences. It is purposely shown as 'winding' because its speed should be lower than on Tank Farm Road.



**DALIDIO/SAN LUIS MARKETPLACE EIR
PUBLIC SCOPING MEETING**

Monday, March 10, 2003; 5:00 p.m.
Council Hearing Room, City Hall

Pam Ricci, Associate Planner with the Community Development Department and Project Planner, introduced Terry Sanville, the Principal Transportation Planner with the Public Works Department. She also introduced Richard Daulton from Rincon Consultants. Ms. Ricci presented a brief overview of the project. Mr. Daulton provided a summary of the requirements for the content and review of EIRs included in the California Environmental Quality Act (CEQA). He also summarized the issues that had been identified for review in the EIR workscope approved by the City Council

Public Comments:

Mila Vujovich-LaBarre – was concerned with the Prado Road extension and had issues that the evaluation of the impacts associated with the road extension were being segmented. She expressed concerns that the full environmental impacts associated with the Damon-Garcia playing fields were not adequately addressed. She stated that an EIR needs to be done for the Prado Road extension. In regard to the Dalidio Annexation plan, she supported the preservation of the open space along Highway 101 and the provision of the hotel.

Eugene Jud – recommended analyzing a more regional perspective for transportation impacts and planning. He did not agree with the proposed Prado Road alignment. He suggested that a more southerly alignment, along Buckley Road from State Highway 227 to the Los Osos Valley Road interchange, be looked at. He wanted to see more separation of bikes and pedestrians from automobiles in the development of the southern circulation networks. He agreed with Michael Sullivan's comments that the Marketplace is the worst case scenario in terms of trip impact. He noted that if the land were used for office or residential, it would generate 7 to 10 times less traffic. He felt the shopping center could function with much less parking and noted there is no mention of charging any fees for parking. He stated that the project appeared to contradict the Circulation Element, referencing Figure 1, P. 10 (modal splits). He mentioned that Caltrans is receptive to alternative transportation modes.

Bill Wilson – stated that the full impacts of the extension of Prado Road on the sports fields have not really been looked at. He felt the Margarita Plan is a farce and doesn't properly evaluate the impacts. He added that the environmental impacts of the sports fields, including archaeological, were not fully evaluated. He expressed concern with bicycle and child safety, and wanted to see more separation between bikes and automobiles. He is in opposition to the Dalidio project in terms of losing farmland.

Myka Vujovich-LaBarre – expressed concern that the proposed six-lane overpass for the Prado Road extension was overkill. She believed that appropriate pedestrian and bike lanes were necessary.

Terry Sanville – explained how the Circulation and Land Use elements of the General Plan established the circulation networks being evaluated in the EIR. He noted that different development scenarios could be evaluated through an analysis of alternatives. He clarified that the consultants in preparing the EIR will be evaluating the consistency of the project with the adopted General Plan and that some of the circulation scenarios brought up tonight are beyond the scope of this EIR.

Bill Wilson – expressed concern regarding the impact of all of the traffic coming from the shopping area into the Broad Street intersection by way of Prado Road. He felt this would create a bottleneck situation.

Eugene Jud – wanted the City to look at alternative land uses for the site development that would not necessitate the interchange at Prado Road. He suggested the possibility of housing or medical uses on the site, given the demand regionally. He felt parking could be reduced with good alternative transportation.

Michael Sullivan – in his absence, Pam Ricci read his comments. He felt there needs to be a more comprehensive transportation and circulation analysis, looking at the citywide impacts along the Prado Road corridor including the Broad/Tank Farm/Orcutt areas, and inside the Airport Area. He also had concerns regarding the 101/Prado Road interchange in terms of the overall transportation plan for the City. He felt that the pedestrian and bicycle plan guidelines of the General Plan needed to be finalized prior to the completion of transportation planning for the Dalidio project. He asked that alternatives evaluate: a reduced-scale alternative with housing (similar to the earlier development plan), the idea of conversion of the commercially farmed agricultural land to small-scale agriculture or community gardens available to use by the public, and preservation of the entire site in agriculture. He also requested that the EIR have a detailed economic impact component focusing on the funding impacts of the Prado Road interchange.

Respectfully submitted by,
Pam Ricci, Recording Secretary

Scoping Dallidio: Email March 20, 03

Dear Pamela

Thank you for the well facilitated meeting on March 10 at City Hall. Further to my e-mail and handouts of March 10, I would like to comment as follows:

1. Mega-Project: Prado Road+Freeway Interchange+ Dallidio

This may well be the biggest and most dramatic road project in SLO before build out. Especially the 101 interchange and the Dallidio project will induce new traffic and change vehicular patterns more than 10 miles away. Therefore the "influence area" of the project *must* include all axis and intersections between and *including LOVR/Orcutt Rd., South Street and Buckley Road.*

If the EIR does less than this, it is probably inadequate and vulnerable to litigation. The above influence area is needed because the Prado Road Project was piecemealed into segments of analysis, while the most important need is a comprehensive analysis of the *cumulative impacts in the whole influence area* including the big box developments along LOVR. Not only is this piecemealing legally questionable, it is also unfair towards the public, who were never allowed to give their input from "the helicopter view".

We are grateful, that the EIR team promised enhanced public participation and we hope, that all involved agencies around Prado Road will invite citizens to a thorough discussion about the *whole Prado Road*, interchange and Dallidio project.

2. Dallidio Land Use

As mentioned at the meeting, an adequate land use of the Dallidio Property is possible, without a freeway interchange and without any Prado Road transformed into a Highway 227 truck route.

Sustainable city planning and contextually sensitive design leads to a solution, which produces less vehicular traffic and uses *Buckley Road* and the LOVR freeway interchange for the Highway 227 traffic. 35 Cal Poly CE and LA students have produced four projects in Spring 02, which led to this conclusion. (See *attachment*). The projects were shown at an exhibition in downtown. The students reports are now in the SLO Community Development Department, at SLO COG (Ron de Carli), at Caltrans District 5 (Dan Herron) and at Cal Poly (E. Jud). Exhibition posters and powerpoint presentations are also available from E. Jud.

It is astonishing, that the Feer and Peers report of September 1999 about the Prado Road Extension shows three alternatives (figure 17-19), but leaves out the *most logical Buckley Road alignment*. As mentioned in our other handouts, it is also unfortunate that the same report works with an oversimplified traffic model. This model does not include the well known fact of "traffic induced by a new road itself". In addition, it totally ignores the considerable influence of alternative transportation and especially of a comprehensive network of bicycle and pedestrians paths away from roads, as built in many cities and proposed by the students.

3. Traffic Report for the EIR

We suggest, that the consultant use the steps of work of the ITE Recommended Practice "Traffic Access and Impact Studies for Site Development" (1991) and, for a modernized traffic model, the report by the Environmental Defense Fund "Inside the Black Box: Making Transportation Models Work for Livable Communities" (1996). In order to be credible, the model must include public transit, bicycles and pedestrians as well as the the main TDM measures in the four traditional modeling steps, namely trip generation, trip distribution, modal split and assignment for all modes.

Level of service (LOS) calculations must also consider the suggestions of the above modeling book and analyze *all three non vehicular modes* in a context sensitive way, which goes beyond the HCM 2000.

4. Inadequate General Plan of the City may block the project for years

The Circulation Element of the City contains the following mandates in its "Program" points:

"2.8 The City will adopt a *short-range Transit Plan* (5-year time frame) and a *long-range Transit Master Plan* (20-year time frame)."

"4.7 The City will adopt a *Pedestrian Transportation Plan* to encourage walking and to expand facilities that provide pedestrian linkages throughout the community".

Evidently all three of these plans are *extremely important* for the mega-project and the whole Southern part of town. The City has a Short Range Transit Plan, but it is older than 5 years. The Long Range Transit Master Plan and the Pedestrian Transportation Plan were *not even started*, and the Circulation Element is now 9 years old!

Again, this gross omission makes the City vulnerable to litigation. Currently a SLO-case involving, among other points, the promised Pedestrian Transportation Plan, is in the Appellate Court in Ventura. The City appears to be very "forgetful" when it comes to plans for alternative transportation. The sad consequence is, that a much needed SLO-housing project has now been blocked in court for two years.

5. Project Plans

The treatment of public transportation (Bus, perhaps Bus Rapid Transit or rail), bicycles, pedestrians and TDM should be shown not only for the Dallidio and interchange area but all along Prado Road and in the Southern part of town. Especially "preferential treatment" for buses (so far not practiced in SLO) must be clearly documented. Such measures are widely used in other towns and have a high cost benefit ratio.

Thank you for your consideration

Eugene JUD, Fellow Institute of Transportation Engineers

Jud Consultants
POB 1145
San Luis Obispo, CA 93406-1145
Phone and Fax: (805) 545-5919 or 756-1729
<http://www.judcons.com>

Letter #13 (2)

Richard Daulton

From: Pam Ricci [PRICCI@slocity.org]
Sent: Wednesday, March 10, 2004 11:15 AM
To: Richard Daulton
Subject: Fwd: Comments on Draft EIR Dalidio

>>> Eugene Jud <ejud@calpoly.edu> 03/10/04 10:49AM >>>
Dear Pam,

In addition to my comments given to your staff at the last meeting of the Planning Commission, I would like to stress that the Institute of Transportation Engineers (ITE) has a "Guideline for Transportation Impact Studies" of approximately 20 pages.

The zone of traffic influence used in this EIR is extremely small and should be extended east including Broad St. This is based on the enormous influence of the Prado Rd. mega street project and the extremely high trip generation of the Market Place project. This small zone of influence appears to be in contradiction with this ITE guideline.

Concerning the land use, we are told that for reasons of air traffic safety, residential and office uses are not allowed on this property. The question arises, why then is a shopping center allowed? Should people in a shopping center be less protected from falling airplanes than people in residences or office buildings?

Thank you for passing this on to the EIR preparers.

--

Eugene JUD, Fellow Institute of Transportation Engineers
At:
Faculty Civil and Environmental Engineering
California Polytechnic State University
San Luis Obispo, CA 93407
Phone: (805) 756-1729 Fax: ..02

Or:
Jud Consultants
POB 1145
San Luis Obispo, CA 93406-1145
Phone and Fax: (805) 545-5919
<http://www.judcons.com>

H

J

K

Letter 13

COMMENTOR: Eugene Jud, Fellow ITE

DATE: February 25, 2004 and March 10, 2004

RESPONSE:

Response 13A

Refer to Responses PC-7 and PC-12.

Response 13B

As noted in the trip generation table submitted by the commentor, average daily trip generation for discount stores is about 6 times greater than that for office parks. However, the proposed project would consist of a retail shopping center, with an average daily trip generation rate of 35.23 trips per 1,000 square feet, a hotel with an average daily trip generation rate of 8.92 trips per room, and an office park with an average daily trip generation rate of 11.33 trips per 1,000 square feet (refer to Table 4.10-8 in Section 4.10, *Traffic and Circulation*, of the Draft EIR. Therefore, a comparison between discount store trip generation and residential or office park uses is not relevant to the proposed project.

Response 13C

Housing and medical facilities are not proposed as part of the project and are therefore not described in Section 4.0, *Environmental Effects and Mitigation Measures*, of the Draft EIR. However, Alternative 3, Residential/Commercial Mixed Use Plan 1, and Alternative 4, Residential/Retail Mixed-Use Plan 2, were included to evaluate the environmental impacts of a project that includes housing.

Response 13D

Refer to Response PC-8.

Response 13E

Refer to Response PC-8.

Response 13F

The project would not be expected to impede City modal split objectives as described in Table 1 of the General Plan Circulation Element. As described in Section 4.3, *Air Quality*, of the Draft EIR, the proposed project includes a number of features designed to provide transportation alternatives that minimize air emissions. These include the provision of pedestrian links between existing commercial development and the proposed project, street furniture, and the use of pedestrian-friendly differentiated pavements within the parking lot area. Also, the construction of transit stops



and bicycle paths along the planned Dalidio Drive should encourage people to walk, bicycle, or ride the bus to the site, rather than drive, decreasing automobile related emissions to some extent. The project also provides a mix of uses that makes recreational and shopping opportunities available within walking/ bicycling distance for area residents. In addition, mitigation measure AQ-2(c) requires the applicant to consult with SLOAPCD to provide several alternative transportation improvements, including a park-and-ride lot, bus pass subsidy program, and bus purchase program. In accordance with mitigation measures AQ-4(a-c), the applicant will also be required to provide bicycle racks and lockers on-site, and tenants will post carpool, vanpool and transit information, and establish and maintain employee trip reduction programs. Additionally, as required by mitigation measure T-10(a), to mitigate potential transit impacts, the project shall construct appropriate transit stops, including turnouts in and around the project site.

Response 13G

Refer to Response PC-7.

Response 13H

The provision of alternative transportation facilities would generally reduce project-generated traffic. Section 4.10, *Traffic and Circulation*, of the Draft EIR describes in detail the traffic impacts associated with trips induced by the project.

Response 13I

Refer to Response 13B.

Response 13J

Refer to Responses 9A and 12J.

Response 13K

The San Luis Obispo Airport Land Use Plan (ALUP) establishes a priority for the safety of residential uses, since such uses may be occupied for long periods of time every day.



Letter #14

From: Diane Stuart
To: Ricci, Pam
Date: 2/26/04 8:51AM
Subject: Fwd: Contact Us Form

This one's for you.

>>> slo-city-website@slocity.org 02/26/04 08:54AM >>>

Name: Marc Block, Esq.
Address: 323 La Paloma
City: Shell Beach
State: CA
Zip: 93449
Phone:
Fax:
email_from: mblockesq@charter.net

Message:

The elimination of the Dalidio prime agricultural land parcel in favor of a truly unnecessary shopping center is not progress. The dream of increased revenue is not all it's cracked up to be as it will simply cause an increase in related costs which in turn will create a demand for more increased revenue. Use some common sense.

A

Letter 14

COMMENTOR: Mark Block

DATE: February 26, 2004

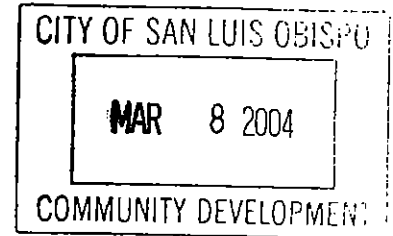
RESPONSE:

Response 14A

The commentor states the opinion that the project would result in the loss of agricultural resources. The Draft EIR states that impacts related to the loss of such agriculturally-suitable land would be significant and unavoidable (Class I) and mitigation is proposed to reduce aesthetic impacts to a level of less than significant. As stated in Response 7B, project approval would require the City to adopt a Statement of Overriding Considerations that states in writing the specific reasons to support the City's action based on the final EIR and/or other information in the record. Refer to Response 7A regarding the economic impacts of the project.



Letter #15



Dear Pam,

I am the Laguna Neighbors Association's president and have some recommendations for the cut thru traffic and excessive speeds in the Laguna lake area. These suggestions are:

- 1) speed tables along Oceanaire, Atascadero, and Galleon.
- 2) temporarily blocking off Oceanaire at some strategic location
- 3) painted speed limit signs on Oceanaire, Atascadero, and Galleon.
- 4) additional stop signs
- 5) limited times to turn onto Oceanaire from LOVR

A

C. Kuen
543-5747

Letter 15

COMMENTOR: Gary Kucer, Laguna Neighbors Association

DATE: March 6, 2004

RESPONSE:

Response 15A

The commentor suggests several traffic calming measures that could be implemented within the Laguna neighborhood, specifically, along the Oceanaire, Atascadero, and Galleon roadways. As described in Mitigation Measure T-12(a), in Section 4.10, *Traffic and Circulation*, of the Draft EIR, the proposed project shall fund a monitoring study of the segment of Oceanaire Drive between Madonna Road and LOVR to assess the effect of traffic from the retail portion of the proposed project. The study shall monitor both traffic volumes and travel speeds using traffic counts and/or origin-destination surveys to determine if traffic is diverting to Oceanaire Drive from the adjacent arterial streets. Surveys should be conducted just prior to the issuance of occupancy permits and after one year of full project occupancy. If the surveys show evidence of an increase in volume (with the threshold to be determined by the City), the project should pay for appropriate mitigation measures. To mitigate potentially significant impacts of excessive speed, traffic calming measures such as curb extensions, traffic circles, speed humps, raised crosswalks or intersections, or street narrowing could be installed.



Letter #16

MAR 9 2004

COMMUNITY DEVELOPMENT

Members of the City of San Luis Obispo
Planning Commission

March 9, 2004

Dear Members:

My comments are similar but not identical to the oral comments made to the Planning Commission last month. As a Political Science Professor at Cal Poly who focuses on local-global connections, my comments emphasized cumulative impacts, not only regarding the Dalidio proposal but regarding our community and our world.

It was approximately ten years ago the State Water Project came before City voters. Those supporting the proposal said that San Luis Obispo was a small community and that the water we took would be negligible. Those opposing the SWP said that any amount of water was important and that we had to be mindful stewards of our finite water supply.

In looking at the Draft Environment Impact Report there were a number of Class I impacts and most if not all can also be viewed as broad-scale cumulative impacts. Among those mentioned were noise levels along roads to the project vicinity, air pollutants, two or more dealing with traffic and the disappearance of farm land.

In the February 22 Tribune, there was an article entitled "Traffic-clogged highways worsening" in the United States with two of the worst five culprits in Los Angeles. Are the benefits to our City worth the cost? The City is obviously divided and probably so will be the Planning Commission and the City Council.

The textbook that I am using this quarter in my Global Survival course is entitled Plan B (to contrast it from doing business as usual) and subtitled "Rescuing a Planet under Stress and a Civilization in Trouble." We have two different paradigms locally and globally. Members of the Planning Commission have an important role in determining which one we will follow.

Sincerely,

Richard Kranzdorf

Richard Kranzdorf

A

B

C

D

Letter 16

COMMENTOR: Richard Kranzdorf

DATE: March 9, 2004

RESPONSE:

Response 16A

The commentor states opinions regarding City water policies. The project would result in less than significant water supply impacts and would not require the use of State Water. Therefore, this comment does not directly apply to the proposed project. Nevertheless, the comment has been forwarded to City decisionmakers for their consideration.

Response 16B

The commentor notes a number of cumulative Class I impacts. The Draft EIR identifies significant and unavoidable cumulative impacts in the areas of air quality, noise, agricultural resources, and traffic. As stated in Response 7B, project approval would require the City to adopt a Statement of Overriding Considerations that states in writing the specific reasons to support the City's action based on the final EIR and/or other information in the record.

Response 16C

The commentor states an opinion regarding the costs and benefits of traffic impacts. Project and cumulative traffic impacts are described in detail in Section 4.10, *Traffic and Circulation*, of the Draft EIR.

Response 16D

The commentor states an opinion regarding the importance of considering local and global impacts. The EIR describes project impacts on the local and regional environment on a project-level and cumulative basis. A discussion of the global impacts of the proposed project is not required by CEQA and is beyond the scope of the EIR.

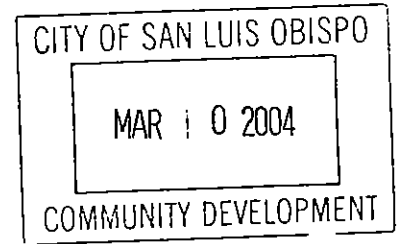


Letter #17

Brett Cross
1217 Mariners Cove
San Luis Obispo, CA 93405

March 10, 2004

City of San Luis Obispo
Community Development Department
990 Palm St.
San Luis Obispo, CA 93401



Subject: Dalidio/San Luis Marketplace Annexation and Development Project EIR

Comments

Impact T-15 Without providing secondary access, some portions of the project site would only provide one access point for emergency vehicles. This is considered a Class II, significant but mitigable impact.

T-15(a) The office portion of the site should be designed to provide at least two vehicular access driveway on the proposed collector street and/or Madonna Road. Additional driveways could be gated with keys provided to fire department staff for emergency use only.

Comment--The report does not address the actual feasibility of the turning movements along Madonna Rd. considering the LOS of the proposed driveway access the lack of a turning lane along Madonna Rd.

Access to the Post Office will be affected by the change in access to SLO Promenade and construction of the new collector street. The existing driveways at the east end of the Post

Office property cannot be re-designed to provide adequate access Dalidio Drive. These driveways will be located too close to the new signalized intersection. As such, the traffic flow

into the Post Office will have to be changed to permit entrance at the east end of the property

and exit at the west end (opposite of the current flow). In addition, delivery vehicles will have

to use the same driveways as customers or a new connection will have to be provided through

the project office property or over the adjacent drainage channel.

T-13(c) Coordinate with the Post Office to reverse vehicle flow through its lot (i.e., require vehicles to enter at the east end of the property and exit at the west end). In addition, delivery vehicles must be required to use the same driveways as customers, or provide a new connection through the project office property or construct a new driveway over the adjacent drainage channel to intersect with the collector street at least 250 feet

A

B

south of Dalidio Drive.

Comment—The turning movements are not practical. The mitigation would not allow left hand turns from the Post Office to allow customers to turn onto Madonna Rd. The EIR does not address the impacts of the alternatives of providing a new connection through the project office property or construction of a new driveway over the drainage channel. The EIR also does not address the ability of the project to actually require the Post Office to agree to the mitigation measures.

B
(cont'd)

T-12(a) The proposed project shall fund a monitoring study of the segment of Oceanaire Drive between Madonna Road and LOVR to assess the effect of traffic from the retail portion of the proposed project. The study shall monitor both traffic volumes and travel speeds using traffic counts and/or origin-destination surveys to determine if traffic is diverting to Oceanaire Drive from the adjacent arterial streets. Surveys should be conducted just prior to the issuance of occupancy permits and after one year of full project occupancy. If the surveys show evidence of an increase in volume (with the threshold to be determined by the City), the project should pay for appropriate mitigation measures. To mitigate potentially significant impacts of excessive speed, traffic calming measures such as curb extensions, traffic circles, speed humps, raised crosswalks or intersections, or street narrowing could be installed. Horizontal displacement measures should be favored over vertical displacement measures to minimize impacts to emergency vehicles, and all measures would have to be acceptable to the City's Public Works Department. More drastic measures such as diverters and street closures could be implemented if the volume of cut-through traffic becomes excessive. Implementation of traffic calming measures should only occur after a comprehensive neighborhood participation process. The City's NTM Guidelines details the process for citizen participation and development of neighborhood traffic improvements.

C

Comments— The EIR should also analyze restricting turning movements at Oceanaire and Los Osos Valley Road during peak hours and hours where the LOS at Los Osos Valley Road and Madonna Rd. exceed LOS D (greater than 80 second delay where cut through trip time would be equivalent) where wait times would make it preferable to use Oceanaire as a "cut through" route. The EIR should also analyze the potential of blocking Oceanaire at some location along its length.

T-6(a) To mitigate significant impacts to the Madonna Road/Dalidio Drive intersection resulting in LOS D operation (delay 32 seconds/vehicle), the project shall construct the following improvement in addition to Mitigation Measures T-1(b) and T-3(a):

- Add a second westbound left-turn lane on Madonna Road.

D

Comment— The EIR does not ascertain the ownership of properties need to be acquired or the ultimate right of way required to implement this mitigation measure. The EIR should also include a diagram of the buildout intersection and right-of-way along Madonna Rd. and the intersection of Dalidio Dr., it is unclear as to the configuration and impacts to existing trees located along Madonna Rd and Laguna Lake Park property.

General Comments— The EIR does not address levels of service at the driveway access points serving the Laguna Lake Shopping Center. The EIR should address turning movement at those driveways and provide mitigation or alternatives if LOS are unacceptable including providing access at the end of Madonna frontage rd. and at the end of Newport St.

The EIR also does not study the LOS at the intersection of Royal Way and Los Osos Valley Rd., LOVR and Oceanaire, LOVR and Laguna Ln., LOVR and Prefumo Cyn., LOVR and Descanso, LOVR and Diablo Dr., and Madonna Rd. and Pereira.

Table 4.10-8 summarizes the estimated trip generation of the proposed project. The proposed project would generate a total of 2,054 net new PM peak hour trips and 20,956 net new daily trips.

T-10(a) To mitigate potential transit impacts, the project shall construct appropriate transit stops, including turnouts in and around the project site. Potential locations for transit stops include the intersection of Madonna/Dalidio, Prado Road at the main project driveway and an internal project transit stop. Locations for the shelters/turnouts shall be developed in consultation with SLO Transit and City of San Luis Obispo staff. Potential locations include northbound Madonna Road adjacent to the multi-family residential parcel, both sides of Dalidio Drive near the planned signalized intersections serving the site, the intersection of Madonna/Dalidio and an internal project transit stop.

Comment— The EIR does not equate the mitigation measures with the City's adopted Circulation Element and modal split objectives. The project will generate 20,956 net new daily trips. The City's adopted Circulation Element Policy 2.2 indicates that 8% of all in city trips should be transit oriented. 8% of the net generated trips would indicate a total of 1676 trips should be allocated to transit ridership. The EIR should analyze an alternative mitigation measure that would require the project to make available to the transit system 1676 transit passes monthly for employees who live and work within the City. The program could be administered by the City's transit manager.

T-9(a) To mitigate significant impacts to pedestrian and bicycle safety and facilities, the project should implement the following measures:

- Construct sidewalks along the project's frontage on Madonna Road to close existing gaps;
- Provide public pedestrian access to the proposed open space areas and trail easement along the Laguna Lake Park Extension southwest of the project site.

Comment--- The proposed sidewalk along Madonna Rd. should be designed to avoid tree cutting along Madonna Rd. The EIR should analyze alternative routing that would allow the sidewalk to be built without tree removal.

F
(cont'd)

BIO-1(f) Trees removed for project development shall be replaced at a ratio of at least 1:1 and of a height to shield on-site Monarch butterfly wintering sites and sensitive avian nesting habitat. In addition to review by the City Arborist, a qualified biologist shall review the replacement plan. Evergreen trees shall be selected that reach a height capable of forming a suitable windbreak, as determined by a qualified biologist.

G

Comment--- The office portion of the project should be designed to avoid tree removals. The EIR should analyze alternative building envelopes for the office portion that would avoid tree removals. The EIR should also incorporate a specific site map that identifies potential tree removals with the current representative project.

BIO-1(f) Trees removed for project development shall be replaced at a ratio of at least 1:1 and of a height to shield on-site Monarch butterfly wintering sites and sensitive avian nesting habitat. In addition to review by the City Arborist, a qualified biologist shall review the replacement plan. Evergreen trees shall be selected that reach a height capable of forming a suitable windbreak, as determined by a qualified biologist.

H

Comment--- See prior comment.

BIO-2(a) With the submittal of a precise development plan for the project, the developer shall submit plans for review by the City Arborist and for eventual review and approval by the Architectural Review Commission, which show the following information:

1. *The locations of all existing trees, noting location, species, diameter, and condition;*
2. *Note whether existing trees will be retained, removed, or relocated; and*
3. *The location of proposed utilities, driveways, street tree locations, and the size and species of proposed street trees.*
4. *A landscaping plan which shows the size and species of all trees proposed to be planted in the project.*

I

Comment--- Building envelopes should avoid tree removals. The EIR should analyze alternative building locations within the office site. The EIR's mitigation measures are a wholesale license to cut down the existing trees. CEQA's purpose is to avoid impacts and mitigate where impacts can't be avoided the EIR does not provide alternatives to avoiding impacts from tree cutting due to building envelopes but only proposed mitigation measures.

BIO-1(c) Prior to construction during the migratory bird/heron/raptor nesting season, a survey for active nests shall be conducted by a qualified

J

J
(cont'd)

biologist at the site no more than two weeks prior to any scheduled development. If active nests are located, construction within 500 feet of Migratory Bird Treaty Act-bird, heron, or raptor nest trees (e.g., stands of Monterey pines, cypress, and eucalyptus, and the riparian corridors along San Luis Obispo Creek and Prefumo Creek) shall be limited to the time period after young have fledged and prior to next season's breeding. This is generally September 1 to February 1, although a qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to the start of construction. Nest trees shall only be removed outside the nesting season, or after a qualified wildlife biologist verifies that the nest is empty and the nest tree is no longer used by a raptor.

Comment--- The impacts of the bird population including nesting activities is not analyzed thoroughly. In addition to the cumulative loss of nesting sites the EIR does not address the issues of bird droppings and wretching on buildings, property and persons working or living at the site. The EIR needs to analyze alternative building locations to minimize health, safety and welfare of those working or living on the site due to bird impacts.

Letter 17

COMMENTOR: Brett Cross

DATE: March 10, 2004

RESPONSE:

Response 17A

The commentor states the opinion that the EIR does not address the actual feasibility of turning movements along Madonna Road considering the level of service (LOS) of the proposed driveway access and the lack of a turning lane along Madonna Road. As indicated on page 4.10-53 in Section 4.10, *Traffic and Circulation*, of the Draft EIR, a right-turn only driveway to the business park is proposed on Madonna Road and a second driveway would provide access to the collector street on the east side of the proposed business park adjacent to the proposed retail development. Based on the estimated volumes entering/exiting the business park, no right-turn lane on Madonna Road is required. In addition, no left-turn lane on Madonna Road would be needed since access would be restricted to right turns in and out only.

Response 17B

The commentor states the opinion that Mitigation Measure T-13(c) would not allow left-turns from the post office to turn onto Madonna Road and that the EIR does not address the impacts of the alternative of providing a new connection through post office property or construction of a new driveway over the existing drainage channel. The commentor also states the opinion that the EIR does not address the ability of the project to require the post office to agree to mitigation.

With the proposed mitigation (T-13), outbound vehicles could make a right-turn out of the Post Office onto Dalidio Drive and make a U-turn at the new signal at the Dalidio Drive/new collector street intersection. This mitigation involves reversing the flow of traffic on the Post Office property and does not include a new connection through the property. Alternatively, vehicles could exit the site via a new bridge over the drainage channel, turn north onto the collector street, make a left-turn from the collector street onto Dalidio Drive, and then turn onto Madonna Road. This improvement would require some modifications to the Post Office on-site circulation. As stated on page 4.10-55 in Section 4.10, *Traffic and Circulation, of the Draft EIR*, coordination with SLO Promenade and the post office in accordance with Measures T-13 (b) and (c) cannot be assured. Therefore, these measures are potentially infeasible, and impacts may be considered significant and unavoidable.

Response 17C

The commentor states the opinion that the EIR should address restricting turning movements at Oceanaire and LOVR during peak hours and hours where LOS at LOVR/Madonna exceed LOS D where wait times would make it preferable to use Oceanaire as a cut-through route. The commentor also suggests that the EIR analyze the potential of blocking Oceanaire at some location.



Peak period turning movement restrictions are one neighborhood traffic management option to be considered if the project is found to cause a traffic volume problem on Oceanaire Drive. As stated in Mitigation T-12 (a): “More drastic measures such as diverters and street closures could be implemented if the volume of cut-through traffic becomes excessive. Implementation of traffic calming measures should only occur after a comprehensive neighborhood participation process. The City’s NTM Guidelines details the process for citizen participation and development of neighborhood traffic improvements.” Since residents would participate in the selection of a warranted traffic improvement and any number of solutions could be implemented, no analysis of a specific measure such as street closures or peak period restrictions was prepared.

Response 17D

The commentor states the opinion that the EIR does not ascertain property ownership if properties need to be acquired or ultimate right-of-way is required to implement Mitigation Measure T-6 (a). The commentor suggests that the EIR include a diagram of the buildout intersection and right-of-way along Madonna Road and the intersection of Dalidio and more precisely determine the impacts to existing trees on Madonna Road and the Laguna Lake Park property. Potential right-of-way acquisition may be necessary on the Dalidio property, Laguna Lake property (owned by the City), and/or the post office property (owned by the U.S. federal government).

Figure 4.10-22 in the DEIR presents a diagram of the Madonna Road/Dalidio Drive intersection lane configuration with the proposed mitigation measure. Based on field observations, a few existing trees on Madonna Road and on the Laguna Lake Park property may be affected by the proposed measure, but this potential secondary impact could be avoided by narrowing the raised median, narrowing travel lanes, and/or providing a sidewalk/pedestrian path around the adjacent trees.

The commentor also states the opinion that the EIR did not address the operations of Laguna Village Shopping Center driveways and suggests that mitigation such as new access to center from Madonna frontage road or Newport Street should be included if operations are unacceptable. The study locations in Section 4.10, *Traffic and Circulation*, of the Draft EIR were selected in consultation with City of San Luis Obispo Public Works staff. The operations of driveways, unless they are located immediately adjacent to the project site, are not typically analyzed in detail for development projects. In addition, the City has no significance criteria or standard for driveway operations. The commentor’s statements regarding potential mitigation measures, including internal neighborhood connections, are noted.

Response 17E

Refer to Response 13F.

Response 17F

The commentor states the opinion that the proposed sidewalk along Madonna Road should be designed to avoid tree cutting. Project impacts on existing on-site trees are described in Impacts and mitigation measure BIO-1 and BIO-2 in Section 4.5, *Biological Resources*, of the Draft EIR.



As described therein, several eucalyptus trees would be subject to cutting or thinning for development and Madonna Road widening and to accommodate the proposed Business Park and Commercial uses. Mitigation Measures BIO-2(a-b) require that with the submittal of a precise development plan for the project, the developer shall submit plans for review by the City Arborist and for eventual review and approval by the Architectural Review Commission. The developer shall abide by the requirements of the City Arborist for construction. Requirements shall include but not be limited to: the protection of trees with construction setbacks from trees; construction fencing around trees; grading limits around the base of trees as required; and a Replacement Plan for trees removed including replacement at a minimum 1:1 ratio. The relocation of the Madonna Road sidewalk along the project frontage to avoid impacts to trees is one option that would be considered by the City Arborist.

Response 17G

The commentator states that opinion that the office portion of the project should be designed to avoid tree removals. As noted in Response 12F, Mitigation Measures BIO-2(a-b) require that with the submittal of a precise development plan for the project, the developer shall submit plans for review by the City Arborist and for eventual review and approval by the Architectural Review Commission. A tree replacement plan will be reviewed by the City Arborist and a qualified biologist to ensure that the size and maturity of the trees are adequate to serve as a windbreak. The developer shall abide by the requirements of the City Arborist for construction. Requirements shall include but not be limited to: the protection of trees with construction setbacks from trees; construction fencing around trees; grading limits around the base of trees as required; and a Replacement Plan for trees removed including replacement at a minimum 1:1 ratio. Design of business park structures to avoid tree removals is one option that would be considered by the City Arborist.

Response 17H

Refer to Response 17G.

Response 17I

Refer to Response 17G. PRC Section 21001.2 (CEQA Statutes) states: "Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Therefore, CEQA requires either avoidance or mitigation of impacts when feasible. The mitigation measures identified in the Draft EIR would mitigate project impacts on trees to a less than significant level.

Response 17J

The conceptual plans for the business park portion of the project indicate that structures would be placed outside the identified great blue heron and monarch butterfly nesting and roosting site setback areas. Mitigation Measures BIO-1(b, c, d, and e) are intended to ensure that the project avoids or mitigates impacts on sensitive roosting and nesting species to a less than significant level should building placement and/or active roosting and nesting sites change prior to construction of the business park project component.



Letter #18

205 N. Broad St.
San Luis Obispo CA 93405
805-785-0832

C. Mayor/Council
Shelley
Parr

January 29, 2004

San Luis Obispo City Council
999 Palm Street
San Luis Obispo, CA. 93401

Re: The Marketplace Environmental Study

To: The Mayor and Council Members

According to the January 27 issue of The Tribune, the public has 45 days to respond to the new environmental study for the proposed "Marketplace" I agree with the conclusions of the Environmental Study:

Traffic volumes and noise levels would rise, the City's air quality and drainage would be affected, it would increase demand on city services including its water supply.

A

Most important, prime agricultural land would be lost: It is not just a "pretty view from Highway 101". Cropland such as the Dalidio property is a rare and irreplaceable treasure. How many such parcels are found in our county? Buildings can be constructed on land not suitable for farming. I have been involved in agriculture and farming for much of my life, in San Luis Obispo County and other counties, and have seen too much of California's agricultural base paved over. We need to do everything we can to protect every acre that is left.

B

Proponents claim that it would provide additional sales tax revenue: However, the proposed stores and hotel are very similar to the ones already in Madonna Plaza or nearby. It does not offer a new mix of shopping. The number of shoppers will not increase. Therefore the revenues of, for example Macy's and Gottschalks, each would be cut in half instead of increasing. This will impact profits for these stores, and downtown stores, as well as sales tax revenues for the town.

C

Please accept the conclusions of the Environmental Study, and vote against this project.

D

Sincerely,

Jean Wright
Jean Wright

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SLO CITY COUNCIL

Letter 18

COMMENTOR: Jean Wright

DATE: January 29, 2004

RESPONSE:

Response 18A

The commentor's concurrence with the conclusions of the Draft EIR is noted. The Draft EIR acknowledges Class I, significant and unavoidable impacts in the areas of agricultural resources, air quality, noise, and traffic. Impacts on water supply are found in the Draft EIR to be Class III, less than significant. The Draft EIR states that the proposed project would result in an increased demand on City water supplies but that current supplies could accommodate this increased demand. City standards require the payment of fees to offset the cost of developing these water supplies.

Response 18B

The commentor states opinions regarding the loss of agricultural resources. Project implementation would result in the conversion of 59 acres of prime agricultural land to commercial and residential uses. The Draft EIR states that impacts related to the loss of such agriculturally-suitable land would be significant and unavoidable (Class I). Project approval would require the City to adopt a Statement of Overriding Considerations that states in writing the specific reasons to support the City's action based on the Final EIR and/or other information in the record.

Response 18C

Refer to Response 7F.

Response 18D

The commentor suggests the City Council deny the proposed project. The comment will be considered by the City when making a decision on the project.



APPENDIX FEIR-1

San Luis Marketplace Supplemental Hydrologic Analysis





Pam Ricci
 Community Development Department
 City of San Luis Obispo
 990 Palm Street
 San Luis Obispo, CA 93401

March 17, 2004

Subject: San Luis Marketplace Hydrologic Analysis

Dear Ms. Ricci,

We completed a detailed review of the project hydrologic model in association with answering comments to the Draft EIR. During the in-depth review, we have determined that there was a data input error into the existing San Luis Obispo Creek watershed hydrologic model. Current Questa staff took over the San Luis Obispo watershed modeling from a previous Questa engineer who developed the model, and we did not fully realize the complexities of the existing model. The Laguna Lake detention, modeled in the HEC-HMS model as a reservoir, requires the manual entry of a new starting water surface elevation for each recurrence interval model run. The existing model had been set previously to the two-year recurrence interval starting elevation, while the proposed model had been set previously to the 100-year recurrence interval starting elevation. For the Dalidio hydrologic analysis, we had assumed that the Laguna Lake reservoir parameters for both existing and proposed conditions were set to the 100-year recurrence interval.

Basically, with the correct 100-year starting storage water surface elevation in Laguna Lake under existing conditions, the difference in predicted downstream discharge rates in Prefumo and San Luis Obispo Creeks becomes minor, or, insignificant. Water surface elevations downstream of the project site as well do not increase significantly. Table 1 shows the predicted discharge rates. Both existing and proposed models assume that flood flows from the tributary to Froom Creek flow into the lower Prefumo Creek subbasin.

TABLE 1
Estimated 100-year Peak Flow Rates in Prefumo and San Luis Obispo Creeks (Revised 3-17-2004)

River Reach	Prefumo Creek at U.S. Highway 101		San Luis Obispo Creek at confluence with Prefumo Creek	
	(cms)	(cfs)	(cms)	(cfs)
Existing Conditions with Floodplain Storage 100-year Peak Flow	148.43	5,241	431.27	15,228
Full Buildout Conditions with Floodplain Storage 100-year Peak Flow	148.56	5,246	431.72	15,244
Percentage Increase	0.1%		0.1%	

Thus, even after accounting for increased impervious surface area and loss of floodplain storage, discharge rates and water surface elevations do not significantly increase downstream of the proposed project site.

Below are the hydrographs for San Luis Obispo Creek at its confluence with Prefumo Creek. Figure 1 shows the existing conditions hydrograph; Figure 2 shows the proposed conditions hydrograph (accounting for increased impervious area and decreased floodplain storage). Previously published hydrographs did not include split flows over Highway 101 over existing conditions.

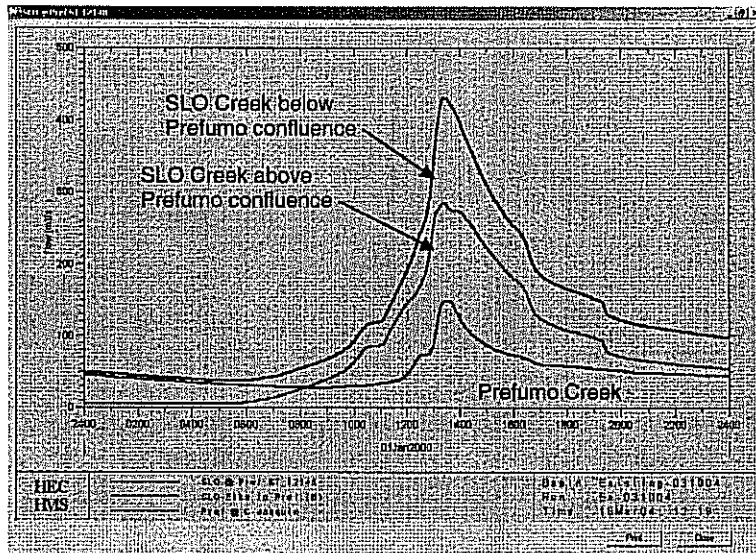


Figure 1. Existing conditions hydrograph for San Luis Obispo Creek at its confluence with Prefumo Creek.

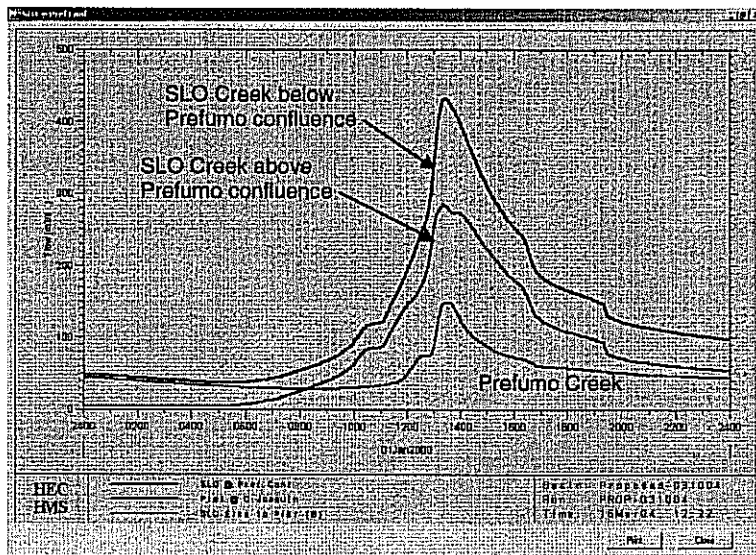


Figure 2. Proposed conditions hydrograph for San Luis Obispo Creek at its confluence with Prefumo Creek.

Increased Impervious Surface Area

The low magnitude of the predicted increase in 100-year peak flow rate shows that buildout of the watershed is likely not going to increase runoff rates in Prefumo Creek significantly. The reason the increase is relatively low is primarily because the watershed above Laguna Lake contributes so much of the flow in Prefumo Creek (as compared to the lower Prefumo watershed below the Lake), and secondarily because the soils in the watershed are clayey. They have high runoff rates when fully saturated, such as during a 10-year or larger storm, and conversion to urban land use does not result in especially large increases in runoff rates.

Loss of Floodplain Storage

Floodplain storage was modeled in the HEC-HMS watershed model by approximating the *entire lower Prefumo subbasin* as a reservoir. This reservoir encompassed a floodplain area of approximately 180 acres (extending from the Dalidio Property north to the Madonna Road Interchange). An existing stage-storage curve was developed for this reservoir by calculating the total volume available for storage above the existing topography of the subbasin at successive elevation heights above the existing surface. The proposed stage-storage curve was developed by subtracting proposed fill volumes from existing storage volumes at corresponding elevations. Thus, a total existing storage volume over the entire lower Prefumo subbasin was estimated to be 1,585,700 cubic meters. The proposed fill volume for the project of 250,700 cubic meters comprises roughly 15% of the total existing storage volume.

We acknowledge that the actual usable floodplain storage volume over the lower Prefumo subbasin would not use the volumes projected for a “full” reservoir. Instead, estimated floodplain depths over the Dalidio Property under the estimated 100-year peak flow average about 0.3 meters (1 foot). Thus, the usable floodplain storage volume within the lower Prefumo subbasin would be 222,000 cubic meters, of which the 45-acre Dalidio Property development proposed fill would take up about 55,000 cubic meters, or 25%.

However, this decrease in floodplain storage volume is not enough to significantly impact downstream discharge rates or water surface elevations. This is most likely due to the fact that proposed fill does not begin until approximately 38 meters elevation (NAVD 88 vertical datum), outside of the area encompassed by Prefumo Creek backwater flooding.

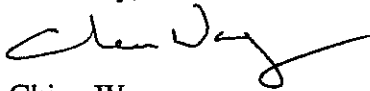
Therefore, Impact DW-1 in the Drainage and Water Quality section of the Draft EIR must be revised. While water surface elevations downstream of the Dalidio Property in Prefumo and San Luis Obispo Creeks do not increase, water surface elevations do increase across the Dalidio Property due to proposed fill with construction of the Prado Road Interchange and proposed viaduct drainage system that would convey split flows

from Highway 101 across the Dalidio Property. This should be considered a Class II, significant but mitigable, impact. All mitigation measures still apply to the revised Impact DW-1, which now addresses only increased water surface elevations across the Dalidio Property.

Those hydraulic impacts predicted for both a) SLO Creek downstream of the Prado Road Interchange and b) over the developed Dalidio Property are not affected by this change in the Prefumo Creek watershed hydrologic model. Separate hydrologic and hydraulic models were used to model impacts of loss of floodplain storage and increased impervious area over the Dalidio Property on downstream 100-year peak flow rates and water surface elevations. The Laguna Lake detention has no impact on water surface elevations over the Dalidio Property resulting from Highway 101 split flows or water surface elevations in SLO Creek above its confluence with Prefumo Creek.

We apologize for any inconvenience caused by this error in the Prefumo Creek hydrologic modeling. We are prepared to revise both the San Luis Marketplace Annexation and Development Project Draft EIR Section 4.2 Drainage and Water Quality and the Hydrologic and Hydraulic Impacts Analysis Technical Addendum to the Draft EIR. We are also available for any meetings you may require to explain the changes in the proposed project drainage impacts. Please do not hesitate to contact me if you have any questions or comments.

Sincerely,



Chien Wang
Hydrologist

Questa Engineering Corporation
1220 Brickyard Cove Road
Suite 206
Point Richmond, California 94801