E. HAZARDS AND HAZARDOUS MATERIALS (HAZ)

This section describes existing and potential sources of environmental hazards and hazardous materials associated with the proposed project. Development of this project would create or expose residential receptors to various hazards associated with railroads (e.g. frequent at-grade train movements and the transport of hazardous materials), aircraft over-flights, surrounding land uses containing the use of various hazardous materials (e.g. fueling stations to the north and the industrial area to the south), and air quality health risks from permitted point source emitters to the south. This section assesses potential impacts from these hazards, and recommends mitigation measures to reduce impacts below a level of significance.

Information reviewed as part of this EIR analysis included: Safety Element of the City's General Plan, Phase II Site Assessment prepared by Earth Systems Pacific (refer to Appendix H), and the San Luis Obispo Regional Airport Land Use Plan.

1. Existing Conditions

a. Hazardous Material Definition

As defined in Chapter 6.95 of Division 20 of the California Health and Safety Code, Section 25501(k), a hazardous material is "…any material th at, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment."

b. Hazard Versus Risk

Worker safety and public health are potentially at risk whenever hazardous materials are used or exposed. It is often helpful to distinguish between the "hazard" associated with these materials and the "risk" they pose to human health or the environment. A hazardous material has the potential to cause damage upon accident or incidental exposure. The risk of an event is determined by a combination of the probability of exposure to hazardous materials and the severity of consequences should exposure occur (California Office of Emergency Services, 1989). The likelihood of exposure to a hazardous material coupled with its inherent hazardous properties determines the degree of risk to public health or the environment. To be of high risk, exposure to a hazardous material must be both likely and have negative consequences.

c. Site Conditions

The project site is an undeveloped group of parcels comprising approximately 18 acres located south of Orcutt Road, between the Union Pacific Railroad (UPRR) tracks to the east and Broad Street to the west, and a commercial industrial area to the south. According to the Safety Element of the City General Plan, the project site has a low fire hazard designation. It is not within the 100-year flood zone, but is within the 500-year flood zone. The area is also within the Fault Zone mapped by the California Division of Mines and Geology, but does not contain

Inactive, Potentially Active, or Active faults. The project site is subject to high liquefaction potential as shown in the Safety Element due to ground shaking during an earthquake.

Historically, the northwest corner of the Tumbling Waters component formerly contained a farm and residence with several outbuildings. The buildings were removed circa 1990, and only the remnants of a concrete floor slab are visible today. In addition, the coastal tracks of the Union Pacific Railroad (UPRR) form the eastern property boundary; an abandoned right-of-way used by the Pacific Coast Railway (PCRW) is present in the southwestern part of the project. Railway-related activities, including track and vegetation maintenance, likely occurred within the PCRW area. Aside from these areas, the remaining parcels appear to have been used for non-irrigated agriculture in the past.

1) Identified Hazardous Material Land Uses

(a) Fueling Stations

Three vehicle-fueling stations are located to the north (up-gradient) of the project site. The Golden Gate Petroleum site and the former Unocal Bulk Plant are located on the east side of Duncan Lane, north of Orcutt Road. A Chevron service station is located at the northeast corner of Broad Street and Orcutt Road, approximately 100 feet from the northwest corner of the Creekstön component. Gasoline releases affecting groundwater have been documented at each of these sites according to reports prepared by Cuesta Geotechnical (1999). Trace levels of the fuel oxygenate methyl tertiary butyl ether (MTBE) were detected in groundwater samples collected from the northwest corner of the Tumbling Waters component (Earth Systems Pacific, 2004). The Project site is not listed as a hazardous substance release site by CAL-EPA.

(b) Permitted APCD Emitters

The APCD was contacted to obtain a list of permitted point source emissions from the industrial area bordering the project site to the south. APCD review consisted of a search of their permit tracking database, which tracks permitted sources of hazardous air pollutants. Their review identified 25 permitted sources in the commercial and industrial area immediately to the south. The APCD does not track mobile sources of air emissions such as rail or vehicle traffic.

2) Transportation Hazards

The Project site is subject to multiple transportation-related hazards originating from aircraft, trains, and vehicles. The project site is within the San Luis Obispo Regional Airport Land Use Planning Area. As such, it is subject to the land use policies and development standards identified within the Airport Land Use Policy (ALUP). The project site is within the S-2 Aviation Safety Area where aircraft operations at 500 to 1,000 feet above the ground are anticipated. Aviation Safety Areas have limits placed on the development potential because of the inherent risk associated with aircraft over-flights. The objective of the safety policies of the ALUP is to minimize the risks to the safety and property of persons on the ground associated with potential aircraft accidents and to enhance the chances for survival of the occupants involved in an accident that takes place beyond the immediate runway environment.

The UPRR tracks border the Tumbling Waters component to the east. The UPRR tracks carry significant volumes of rail traffic from high-speed Amtrak passenger and UPRR freight trains. Aside from the inherent safety hazards associated with locating a dense mixed-use development adjacent to an at-grade rail tracks/crossing, UPRR freight trains routinely transport hazardous cargo through the project area. In addition, the San Luis Obispo APCD has identified that the diesel exhaust from the locomotives can also present a hazard to local residents due to the diesel particulate matter in the exhaust. There are additional safety hazards associated with high traffic volumes on Orcutt Road and Broad Street, creating operational safety impacts to vehicles and pedestrians surrounding the project site.

3) Public Safety Hazards

(a) Police Protection

Police protection is provided in the City by the San Luis Obispo Police Department (SLOPD). Police services for the area are based at the station located at the intersection of Santa Rosa Street and Walnut Street. The full-time SLOPD staff is 90, which includes ~~62~~ 61 sworn police officers. Two of these sworn officer positions are currently unfilled and temporarily frozen. Sworn officers perform law enforcement tasks; other personnel are involved in administration, dispatch, and community service duties. ~~Based on the City's current population of approximately 45,000, the current level of police protection services is approximately one sworn officer for every 750 residents.~~

The City's adopted Safety Element establishes response performance standards for "recurrent" types of emergencies. The Police Department has a 30% available time objective for patrol response. Available time is the fraction of total time that a patrol unit is not previously assigned or otherwise unavailable for response to a new emergency call for service. During 2004, the available time for all patrol officers on all shifts averaged 29%. The time percentage varied greatly depending on day and time, dropping as low as 15%. During 25% of the patrol shifts, the officer average for available-time was 25% or below. On average, the Police Department met or exceeded the available-time objective during 42% of all patrol shifts in 2004 (Blanke 2005).

(b) Fire Protection

The San Luis Obispo City Fire Department (SLOFD) provides emergency and non-emergency fire and protection services in the city. Emergency services include fire response, emergency medical response, hazardous materials response, and public assistance. Non-emergency services include fire and life safety inspections, building inspections, fire code investigations, and public education. Additionally, the SLOFD is a member of a countywide team that responds to hazardous materials incidents throughout San Luis Obispo County. The County provides runway services at the airport for crash/fire incidents.

The SLOFD currently operates four fire stations and has a 42 full time firefighter staff. The Headquarters Fire Station (Station 1), strategically located on the Broad Street corridor, also houses the administrative offices, the Fire Prevention Bureau, and a maintenance shop and training facility. Station 3 at 1280 Laurel Lane is the closest station to the proposed project and would serve the site. Station 3 typically has a staff of two firefighters and one paramedic and equipment for one three-person fire engine.

As part of the 2001-2003 Financial Plan, the City approved increases in regular staffing. Further, as part of the Memorandum of Understanding entered into between the City and the International Association of Firefighters (Local 253) on July 17, 2001, effective July 2002 the City is committed to meeting a 13-minimum sworn staffing requirement on all shifts that further guarantees that there will be three-person engine companies at all four stations all the time. According to SLOFD, response times to urban development should be a maximum of four minutes, 90% of the time, and there should be a firefighter/population ratio of approximately one firefighter for every 1,000 residents in the City.

2. Regulatory Setting

Hazards and hazardous material management is subject to multiple laws, policies, and regulations at all levels of government. The agencies responsible for enforcing applicable laws and regulations develop and enforce standards for the handling and cleanup of specific materials determined to pose a risk to human health or the environment. The enforcing agency at the local level for the proposed project area is San Luis Obispo County Health Agency, Division of Environmental Health. Enforcement agencies at the State level include two branches of the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control (DTSC), and the Regional Water Quality Control Board (RWQCB). The Federal enforcement agency is the EPA. A description of agency involvement in management of hazardous materials is provided below.

a. Federal Policies and Regulations

1) U.S. Environmental Protection Agency (EPA)

The EPA is the Federal agency responsible for enforcement and implementation of Federal laws and regulations pertaining to hazardous materials; in addition, the EPA provides oversight and supervision for some site investigation/remediation projects. For disposal of certain hazardous wastes, the EPA has developed land disposal restrictions and treatment standards. Legislation includes the Resources Conservation and Recovery Act of 1986 (RCRA), the Superfund Amendments and Reauthorization Act of 1986 (SARA), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The Federal regulations are primarily codified in Title 40 of the Code of Federal Regulations (40 CFR). These laws and regulations include specific requirements for facilities that handle, generate, use, store, treat, transport, and/or dispose of hazardous materials, as well as for investigation and cleanup of contaminated property.

(a) RCRA and SARA

RCRA provides Federal regulation over facilities that generate, store, transport, treat, or dispose of hazardous waste. Federal, State, and local governmental agencies identify and track hazardous waste from the point of generation to the point of disposal. Facilities that are under permit from the EPA to treat, store, and/or dispose of hazardous waste are tracked in the Resource Conservation and Recovery Information System database. The California Solid Waste Information System database consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations (including surface impounds) pursuant to the Hazardous Waste Control Law of 1972. SARA specifically addresses the management of hazardous

materials by requiring public disclosure of information relating to the types and quantities of hazardous materials used at various types of facilities. Facilities must immediately report any discharge (leaks or spills) above the reportable quantity of extremely hazardous substances to State and local agencies.

(b) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

CERCLA addresses procedures to identify and clean up sites contaminated by unauthorized releases of hazardous materials. Commonly known as Superfund, CERCLA was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Superfund sets priorities for cleanup in the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan). The National Contingency Plan includes lists of abandoned and uncontrolled hazardous waste sites, which the EPA updates annually. Sites that receive the highest ranking under the hazardous ranking system are placed on the National Priorities List. State Superfund legislation of 1981 provides for funds available to finance cleanup of sites that do not qualify for Federal Superfund.

(c) Risk Management Program Rule (RMP Rule)

The RMP Rule was written to implement Section 112(r) of the Clean Air Act Amendments of 1990. The Amendments required the EPA to publish regulations and guidance for chemical accident prevention at facilities using extremely hazardous substances. The rule, which built on existing industry codes and standards, requires companies of all sizes that use certain flammable and toxic substances to develop a Risk Management Program (known as a "Risk Management Plan" or "RMP"), which includes:

- Hazard assessment that details the potential effects of an accidental release, an accident history of the last 5 years, and an evaluation of worst-case and alternative accidental releases;
- Prevention program that includes safety precautions and maintenance, monitoring, and employee training measures; and
- Emergency response program that spells out emergency health care, employee training measures, and procedures for informing the public and response agencies (e.g., the fire department) should an accident occur.

According to the RMP Rule, every facility that handles hazardous substances exceeding the threshold quantities has to submit a summary of the facility's RMP to the EPA. The RMP must be revised and resubmitted every 5 years. The intent of the RMP is to reduce chemical risk at the local level. This information helps local fire, police, and emergency response personnel (who must prepare for and respond to chemical accidents), and is useful to citizens in understanding the chemical hazards within their community. The EPA anticipates that making the RMPs available to the public stimulates communication between industry and the public to improve accident prevention and emergency response practices at the local level.

2) Federal Occupational Safety and Health Administration (OSHA)

OSHA regulates a Process Safety Management Standard (29 CFR 1910.119) with requirements for preventing or minimizing the consequences of catastrophic releases of toxic, reactive, flammable, or explosive chemicals. Some of the requirements of this standard include: all information pertaining to the hazardous chemicals shall be available to the employees; employees shall be given training on the operation of equipment with hazardous materials; and, the employer is required to perform a process hazard analysis.

3) U.S. Department of Transportation

The U.S. Department of Transportation regulates hazardous materials transportation between states. Within California, the California Department of Transportation and California Highway Patrol enforce federal law. Together, these agencies determine driver training requirements, load labeling procedures, and specifications for container types to be used.

b. State Policies and Regulations

1) Central Coast Regional Water Quality Control Board (RWQCB)

The project site is located within the jurisdiction of the Central Coast RWQCB. The RWQCB is authorized by the California Porter-Cologne Water Quality Act of 1969 ("the Porter-Cologne Act"), to implement water quality protection laws. For example, under the Porter-Cologne Act, the discharge of waste to any area that could affect waters of the State (which includes both groundwater and surface waters) would require a permit or a waiver of the permit from the RWQCB or its umbrella agency, the State Water Resources Control Board. The RWQCB also implements some Federal water protection laws on behalf of the EPA, including issuing National Pollution Discharge Elimination System permits for discharges to Waters of the U.S. When the quality of the groundwater or the surface waters of the State is threatened, the RWQCB has the authority to require investigations and remedial actions. In addition, the Central Coast RWQCB is the State regulatory agency that oversees the local Leaking Underground Fuel Tank (LUFT) program, which was established to regulate underground fuel tanks. Under the LUFT program, local implementing agencies are required to permit, inspect, and oversee monitoring programs to detect leakage of hazardous materials.

2) CalEPA, Department of Toxic Substances Control (DTSC)

In California, the DTSC, a branch of CalEPA, works in conjunction with or in lieu of the EPA to enforce and implement specific hazardous materials laws and regulations. California has enacted its own legislation pertaining to the management of hazardous materials. The California legislation for which the DTSC has primary enforcement authority are the Hazardous Waste Control Act, a statute that primarily regulates the management of hazardous waste, and the Hazardous Substance Account Act, a statute that governs the cleanup of contaminated property and is modeled after CERCLA. Title 22 of the CCR, enacted pursuant to the Hazardous Waste Control Act, establishes criteria for identifying hazardous wastes and presents hazardous waste management requirements. These regulations are reprinted in Title 26, Toxics, of the CCR. The DTSC acts as the Lead Agency for some soil and groundwater cleanup projects. For sites where water quality is potentially endangered, the DTSC consults with the RWQCB on technical and regulatory issues.

3) California Occupational Safety and Health Agency

Worker health and safety in California is regulated by the Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA). Cal/OSHA standards and practices for workers dealing with hazardous materials are contained in Title 8 of the CCR, and include Division 1, Chapter 4, Subchapter 7 (General Industry Safety Orders) and Section 5192 (Hazardous Waste Operations and Emergency Response). General construction regulations are found in Division 1, Chapter 4, sub-chapter 4 (Construction Safety Orders). Cal/OSHA offers onsite evaluations and issues notices of violation to enforce necessary improvements to onsite health and safety practices to achieve compliance with regulations.

Cal/OSHA has a more stringent Process Safety Management requirement (Title 8 CCR, §5189) than Federal OSHA. Cal/OSHA specifies lower quantities of hazardous materials handled that would trigger the requirements at a facility.

c. Local Policies and Regulations

1) San Luis Obispo County Air Pollution Control District

The Federal and State Clean Air Acts are enforced locally by the San Luis Obispo County APCD. The APCD regulates potential discharges of criteria air pollutants (including organic compounds that contribute to ozone formation) and toxic air contaminants.

2) San Luis Obispo County Office of Emergency Services

The County Office of Emergency Services is an emergency management agency with responsibilities that include coordination of emergency and disaster preparedness planning, response, and recovery with and between local, state, and federal agencies. The County Office of Emergency Services is committed to serving the public before, during and after times of emergency and disaster by promoting effective coordination between agencies, and encouraging emergency preparedness of the public and organizations involved in emergency response.

3) San Luis Obispo County Health Agency

Pursuant to State law and local ordinance, the Division of Environmental Health of the San Luis Obispo County Health Agency conducts inspections to ensure proper handling, storage, and disposal of hazardous materials and proper remediation of contaminated sites. In addition, the Hazardous Materials Release Response Plans and Inventory Law of 1985 (Business Plan Act, [i.e., Chapter 6.95 of Division 20 of the California Health and Safety Code]) requires that any business that handles or stores hazardous materials prepare a Hazardous Materials Business Plan. Under this law, businesses are required to submit inventories of onsite hazardous materials and wastes and the locations where these materials are stored and handled. This information is collected and certified by SLO County Environmental Health Department for emergency response purposes. There are no cities within San Luis Obispo County that have adopted and implemented their own hazardous materials programs in lieu of the County program; however, the City of San Luis Obispo Fire Department is a participating agency with San Luis Obispo County.

There is the potential risk for unknown contaminated sites to exist where unauthorized releases of hazardous materials have occurred (i.e., illegal dumping). The severity and locations of these activities generally remains unknown until effects are detected through public health or environmental emergencies.

There is also a potential risk for naturally occurring sources of hazardous substances (i.e., radon, lead, asbestos, and methane and hydrogen sulfide gases) in certain geologic formations. These occurrences are not required to be reported or managed unless there is a known or suspected threat on public health or the environment. In recent years, Federal, State, and local governmental agencies have responded to such threats through initiating environmental programs including geologic mapping of potential sources of naturally occurring hazardous substances for property development planning and zoning, improved construction standards protective of public health, and air toxic monitoring at known source areas.

4) San Luis Obispo Airport Land Use Commission

The San Luis Obispo County Airport Land Use Commission (ALUC) is an independent body of seven members that has been created in response to the mandates of The State Aeronautics Act, first enacted in 1967. Under this statute, it is the duty of the ALUC:

- to assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity is not already devoted to incompatible uses;
- to coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare; and
- to provide for the orderly development of the area surrounding the San Luis Obispo County Regional Airport (Airport) so that new developments are not likely ultimately to cause restrictions to be placed on flight operations to or from the airport.

As the means of fulfilling these basic obligations, the ALUC has two basic duties under the Public Utilities Code: To Prepare Airport Compatibility Plans (Airport Land Use Plans) – The Commission is required to prepare and adopt an Airport Land Use Plan (ALUP) for each of the airports within its jurisdiction. In the case of San Luis Obispo County, this requirement applies to the San Luis Obispo Regional Airport (McChesney Field), the Oceano Airport, and the Paso Robles Municipal Airport.

In addition to formulating ALUP's, the ALUC is required to review certain types of action by local counties and cities, which affect the land use in the vicinity of airports to ensure that the action proposed by the referring agency is consistent with the ALUP. Although the ALUC, by law, receives technical support from the County of San Luis Obispo, it is an autonomous body and is not part of any local governmental structure.

The City of San Luis Obispo must, prior to enacting certain ordinances and actions that affect lands within the Airport Planning Area refer such actions to the ALUC. Those local actions include:

- general plans and general plan amendments;
- specific plans and specific plan amendments;
- zoning ordinances & zoning ordinance amendments; and,
- building regulations and modifications thereof.

The following sections of the ALUP would be applicable to the proposed project:

Section 4.4.1 (Objectives)
The objective of the safety policies of this ALUP is to minimize the risks to the safety and property of persons on the ground associated with potential aircraft accidents and to enhance the chances for survival of the occupants involved in an accident, which takes place beyond the immediate runway environment. An effective approach to accomplishing this objective must include all of the following elements:

- Identifying areas of aviation safety risk;
- Limiting the number of persons on the ground who are exposed to aviation safety hazards by restricting the allowable density of residential and nonresidential development in these areas;
- Reducing the potential severity of an aviation-related incident by prohibiting, in areas of aviation safety hazard, land uses characterized by a limited ability of occupants to evacuate an accident scene;
- Reducing the potential severity of an aviation-related incident by prohibiting, in areas of aviation safety hazard, land uses which include features such as above ground storage of flammable materials, fuel pumping facilities, above ground electric transmission lines or switching facilities, and above ground pipelines carrying flammable materials, which could substantially contribute to the severity of an aircraft accident; and,
- Preserving, in areas subject to aviation safety risk, sufficient open space to afford the pilot of a disabled aircraft a reasonable opportunity to effect an emergency off-airport landing without impacting occupied structures or objects which would reduce the likelihood that the crew and passengers will survive the incident.

Section 4.4.2.1 (Special Function Land Uses)
For purposes of the ALUP, the term special function land use shall be defined to include certain types of land use that are commonly regarded as requiring special protection from hazards such as aircraft accidents. Land uses for the Four Creeks project include “impaired egress uses,” which are land uses where the significant common element is the relative inability of the people occupying the space to move out of harm’s way. This includes elementary and secondary schools, hospitals, nursing homes, and other similar uses such as daycare facilities.

Section 4.4.2.2 (High Intensity Land Use)
For purposes of the ALUP, the term high intensity land use shall be defined as any use that is characterized by a potential to attract dense concentrations of persons to an indoor or outdoor area, even for a limited period of time. High Intensity Land Uses for the Four Creeks project include a day-care center, commercial/retail facilities, multi-purpose building, fitness center, and multi-family residential.

Section 4.4.2.4 (Building Coverage)
For purposes of the ALUP, the term "building coverage" shall mean the total percentage of the gross area of a designated property or group of properties, which is encompassed by the footprint of any structure, whether or not such structure is intended for human habitation.

Section 4.4.2.5 (Dwelling Units)
For purposes of the ALUP, a dwelling unit is defined as a structure or part of a structure intended to serve as the residence of an individual, family, or group of unrelated individuals sharing living quarters by mutual consent. For specific housing types, number of dwelling units is to be enumerated as follows:

- Single family detached housing – Each structure shall be counted as one dwelling unit.
- Single-family detached housing with secondary units allowed– Each primary residential structure shall be counted as one dwelling unit and each actual or allowable secondary residential structure shall count as one dwelling unit.
- Duplexes, triplexes, quadriplexes, apartment buildings, condominiums, and town houses – Each structure or part of a structure which can be rented, leased, or sold independently shall be counted as one dwelling unit.
- Rooming houses, boarding houses, long-term residential hotels, and dormitories – Each bedroom shall be counted as 0.5 dwelling unit.

As proposed, the Four Creeks project would develop 261residential dwelling units.

Section 4.4.2.7 (Residential Density)
The term residential density is defined as the maximum number of dwelling units per acre of gross land area allowable under the provisions of a referral to the ALUC. If the area subject to a referred local action encompasses more than one Aviation Safety Area (as shown in Figure 3) residential density must be calculated independently for each Safety Area and standards established by this ALUP must not, except as provided in Policy G-4, be exceeded in any Safety Area. If the area subject to a referred local action encompasses more than one zoning or land use designation, residential density must be calculated independently for each zoning or land use designation and standards established by this ALUP must not be exceeded in any such area.

Maximum Density of Residential Development
As shown in Table 10 of the ALUP, the term "maximum density of residential development" denotes the maximum number of dwelling units per gross acre, which may be permitted within any development or on any parcel by a project or action referred to the ALUC. A project or local action which lacks provisions to ensure that any and all future development projects within the referral will be restricted to a density equal to or less than the maximum residential density will be determined to be inconsistent with the ALUP.

Section 4.4.2.8 (Non-residential Density)
The definition of the term non-residential density is defined as the maximum number of persons per acre of gross area that a non-residential development is expected to attract during periods of

use. If the area subject to a referred local action encompasses more than one Aviation Safety Area (as shown in Figure 4 of the ALUP) non-residential density must be calculated independently for each Safety Area and standards established by the ALUP must not, except as provided in Policy G-4, be exceeded in any Safety Area. If the area subject to a referred local action encompasses more than one zoning or land use designation, residential density must be calculated independently for each zoning or land use designation and standards established by this ALUP must not be exceeded in any such area. Standards for calculating nonresidential densities for various land uses are provided in Appendix G of the ALUP.

Section 4.6.2(Overflight Policies)
Policy O-1 – Notwithstanding any other provision of this ALUP, any proposed general plan, general plan amendment, specific plan, specific plan amendment, zoning ordinance, zoning ordinance amendment, building regulation modification, or individual development proposal will be determined to be inconsistent with the ALUP if the proposed local action lacks sufficient provisions to ensure that both of the following provisions will be carried out:

i. Avigation easements will be recorded for each property developed within the area included in the proposed local action prior to the issuance of any building permit or conditional use permit; and
ii. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) will receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.

5) City of San Luis Obispo Safety Element

The Safety Element focuses on achieving acceptable levels of risk through decisions on land use and the form of development, with consideration for the closely related factor of transportation. The Safety Element provides a broad survey of hazards in the San Luis Obispo area to be used in general land use planning. Pertinent policies of the Safety Element applicable to the Four Creeks project are presented below.

Policy S.1.1 discusses flood damage prevention regulations. This multi layered policy sets standards to reduce floodwaters, limits development within floodplains, and provides guidance to minimize creek disturbances.

Policy S.1.2 addresses standards for design and review of water impoundments.

Policies S.2.1 and S.2.2 address fire prevention and services in urban and wildland areas.

Policy S.3.3 states "Development may be located in areas of high liquefaction potential only if a site-specific investigation by a qualified professional determines that the proposed development will not at risk of damage from liquefaction. The Chief Building Official may waive this requirement upon determining that previous studies in the immediate area provide sufficient information."

Policies S.4.1 and S.4.2 address hazardous material exposure and operations.

Policy S.6.1 in the Safety Element of the General Plan states "Development should only be permitted if it is consistent with the San Luis Obispo County Airport Land Use Plan. Prospective buyers of property that is subject to airport influence should also be informed."

Policy S.8.1 suggests means and methods for avoiding and mitigation hazards.

Policy S.8.2.1 states, "The City's Disaster Preparedness Committee will be responsible for planning and coordination of City preparedness activities. With direction from the Disaster Preparedness Committee, the Fire Chief will maintain and annually update a basic plan for emergency response."

~~6)San Luis Obispo Police Department~~

~~The City's Safety Element establishes response performance standards for "recurrent" types of emergencies. The Police Department has set a 30 percent available time objective for patrol response. Available time is the fraction of total time that a patrol unit is not previously assigned or otherwise unavailable for response to a new emergency call for service. During 2004, the available time for all patrol officers on all shifts averaged 29 percent. The time percentage varied greatly depending on day and time, dropping as low as 15 percent. During 25 percent of the patrol shifts, the officer average for available time was 25 percent or below. On average, the Police Department met or exceeded the available time objective during 42 percent of all patrol shifts in 2004 (Blanke 2005).~~

~~7)San Luis Obispo City Fire Department~~

~~The San Luis Obispo County Office of Emergency Services is responsible for developing a citywide disaster preparedness program. Implementation of the disaster preparedness program is the responsibility of the City Fire Department. The City Fire Department ensures that City forces can provide appropriate relief and rescue services following major disasters like earthquakes, floods, nuclear power accidents, hazardous material spills, and wildland fires. The City provides regulatory framework for disaster response to employees, up-to-date disaster response plans for City facilities/neighborhoods, and is well equipped with disaster response supplies and equipment.~~

~~In addition, the City Fire Department enforces the Uniform Fire Code, which addresses the standards for using and containing flammable, combustible, and hazardous materials. The City of SLO Fire Department is also responsible as a participating agency with the County for administrating the Underground Fuel Tank program within the city. This program is collectively responsible for identification and management of facilities or sites that are known or suspected to be contaminated and/or have the potential for unauthorized releases of hazardous materials into the environment.~~

d. Consistency with Plans and Policies

The proposed project has been evaluated for consistency with plans and policies that pertain to hazards and hazardous materials. If potential inconsistencies were identified, impacts are

discussed in Section V.E.5 below, and mitigation measures have been recommended that reduce or eliminate these inconsistencies.

3. Thresholds of Significance

Appendix G of the CEQA guidelines states that a project would normally have significant impact if it would create a potential health hazard or involve use, production, or disposal of materials that pose a hazard to people, animal, or plant populations in the area affected. For the purposes of this analysis, an impact would be considered significant if the project would:

- Create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or planned school; or,
- Result in a safety hazard for people residing or working within an airport land use plan.

In addition to Appendix G, the following thresholds specific to the proposed project have been developed.

- The presence of contaminated soils or groundwater within the proposed project area would be considered significant if workers and/or the public would be exposed to contaminated or hazardous materials during construction activities and such exposure exceeds permissible exposure levels set by Cal/OSHA in CCR Title B and the Federal OSHA in Title 29 CFR Part 1910.
- Impacts of the proposed project on the environment would be considered significant if construction resulted in soil contamination, including flammable or toxic gases, at levels exceeding Federal, State and local hazardous waste limits established by 40 CFR Part 261 and Title 22 CCR 66261.21, 66261.22, 66261.23, and 66261.24.
- Fuel service stations have inherent hazards in their daily operations and require the use of flammable/combustible liquids. Fire or explosion can occur during fuel delivery, spill/overfill or accident (i.e., vehicle, cigarette, electrical, etc.). These hazards pose a potentially significant impact to public health and safety. Any major or long-term release of gasoline would be considered a significant impact because it could potentially affect surface and/or groundwater quality. The seriousness of such a release would be significant because of the down gradient nature of the project site in relation to surrounding fueling stations.
- Spill of flammable materials in sensitive creek habitats (fuels, lubricants) during construction.
- The proposed project would result in potentially significant impacts if the project would result in substantial adverse physical impacts associated with provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times

or other performance objectives. ~~According to the City of San Luis Obispo Fire Department, response times to urban development should be a maximum of four minutes, 90 percent of the time, and there should be a firefighter/population ratio of approximately one firefighter for every 1,000 residents in the City.~~

4. Impact Assessment and Methodology

The EIR impact analysis focused on potential health risks associated with the proposed project, particularly from surrounding land uses where the potential for hazardous material release could be encountered and affect the project site. Potential transportation-related safety concerns from aircraft over-flight, high traffic volumes on surrounding roadways, and rail movements adjacent to the project site are addressed. Methodology for assessing the proposed project also consisted of reviewing existing regulatory plans and policies to determine any inconsistencies with plans and policies. If the proposed project was determined to be inconsistent with any regulatory plan or policy, it was determined to be a significant impact if the inconsistency resulted in environmental impacts (i.e. exposure of people to hazardous materials).

The impact analysis addresses both short-term construction impacts relating to use of hazardous materials, as well as long-term operational impacts based on intended use of the parcel as identified in the project description. The proposed project was reviewed to determine whether surrounding fueling facilities pose a significant risk to surface and groundwater resources or public safety and, if so, what actions could be taken to minimize the potential for impacts to the project site from fire, explosion, or accidental release of gasoline.

5. Project-Specific Impacts and Mitigation Measures

a. Hazardous Materials Encountered On Site

The project area contains the potential risk of contamination from outside sources such as up-gradient bulk fueling stations, businesses with small quantities of hazardous materials not subject to regulation, and unknown releases associated with the transportation of hazardous materials. Additional potential sources include unknown storage drums, drainage wells and ditches, broken sewer lines or unauthorized industrial wastewater discharges, unknown sumps/pits, and unauthorized or permitted landfills.

Since the project site is subject to multiple users of hazardous materials on a routine basis, a site specific Phase II Environmental Assessment was performed by Earth Systems Pacific (November 2004). The assessment was performed with the intent to evaluate the presence of agricultural chemicals, metals, and petroleum hydrocarbons related to past land use at the site, as well as surrounding properties. Earth Systems evaluation consisted of:

- Drilling eleven soil borings in areas where past site uses indicated the potential for soil/groundwater contamination;
- Collecting soil samples from the borings for laboratory analysis;
- Completing three of the borings as groundwater monitoring wells;
- Purging and sampling the three monitoring wells;

- Laboratory analysis of soil and groundwater samples for agricultural chemicals, selected metals, and fuel hydrocarbons; and,
- Data analysis and preparation of the Phase II report.

The project site is not listed as a hazardous substance release site by CAL-EPA. Based on results of the laboratory analysis, concentrations of petroleum hydrocarbons, agricultural chemicals, and metals in site soils are below regulatory thresholds for these compounds, and do not appear to present an environmental concern for future use of the site. While trace levels of two organo-chlorine pesticides were detected in the surface soil samples from the former farmhouse and outbuildings, the levels detected were below thresholds that are considered acceptable by regulatory agencies for residential land uses.

The levels of metals detected are typical of background concentrations of these elements in the San Luis Obispo area; the slightly elevated chromium and nickel concentrations are due to the soils being derived from ultramafic rocks of the Franciscan Formation. Lead concentrations in surface soil from the former farmhouse area are slightly above background levels, but are below USEPA residential Preliminary Remediation Goals of 150 mg/kg.

Motor oil range hydrocarbons were not detected in any of the samples collected adjacent to the UPRR right-of-way. Gasoline range hydrocarbons and fuel oxygenates were not detected in any of the soil samples from the three monitoring well borings on the northern boundary of the project site. Trace levels of MTBE, a fuel oxygenate, were detected in groundwater from a monitoring well located down-gradient from the Golden Gate Petroleum and former Unocal Bulk Plant sites on Duncan Lane. The MTBE concentration detected is below the RWQCB Maximum Contaminant Level however.

In summary, no evidence was found to indicate that there are hazardous materials present on the site in concentrations that exceed current regulatory thresholds. Based on these findings, significant impacts related to encountering on-site hazardous materials during soil disturbing activities are not anticipated, and mitigation measures are not warranted.

b. Construction-Related Hazardous Material Usage

Accidental releases of hazardous materials (i.e., fuels or lubricants) during construction have the potential to adversely affect onsite workers, public health, and/or the environment. Spillage of fuels or chemicals could result in a threat of fire or explosion or other situations that may pose a threat to human health and/or the environment. Releases could occur as a result of vehicular accidents, equipment malfunction, or improper storage. Cal/OSHA requires construction projects to implement safe hazardous material handling and storage, transfer (e.g., refueling), and maintenance (e.g., oil changes, washing). Projects are required to have designated staging/maintenance areas, standard operating procedures, and emergency response planning. Staging and fueling areas have not been identified as of the date of this EIR. Construction teams are required to use these areas for storage of machinery, hazardous materials/fuel used on site, and for refueling. Through compliance with Cal/OSHA requirements, any potential adverse impacts from release of hazardous materials would be reduced to a level of insignificance.

c. Transportation Hazards

1) Airport Land Use Plan (ALUP) Consistency

The project site is located within Safety Area S-2 of the San Luis Obispo Regional Airport Planning Area. Aviation Safety Areas have limits placed on the development potential because of the inherent risk associated with aircraft over-flights. The objective of the safety policies of the ALUP is to minimize the risks to the safety and property of persons on the ground associated with potential aircraft accidents and to enhance the chances for survival of the occupants involved in an accident that takes place beyond the immediate runway environment. The project site is within the S-2 Aviation Safety Area where aircraft operations at 500 to 1,000 feet above the ground are anticipated.

In order for the proposed residential density to be approved by the ALUC, an Airport Compatible Open Space (ACOS) Plan must be developed. The ACOS must provide for the establishment, protection, and maintenance in perpetuity of a portion of the area as Reserve Space (as defined in Section 4.4.2.3. of the ALUP). Reserve Space areas should be located so as to mitigate existing aviation safety risks to the greatest degree possible. As defined in the ALUP, Reserve Space is land which: a. Meets the design criteria specified in ALUP Table 8 (p. 24); and, b. Is restricted in perpetuity by deed restriction, easement, or other suitable legal instrument to uses characterized by low occupancy levels and substantially free of structures. Land uses which may, if the standards established in ALUP Table 8 are met, be consistent with this definition of reserve space include:

- Undeveloped land – "green belt" reserve
- Parks
- Agriculture
- Certain low intensity recreational uses – e.g., golf courses, shooting ranges
- Cemeteries

According to ALUP criteria Special Function Land Uses, such as the proposed day care facility, can only be approved in Aviation Safety Area S-2 with the approval of a Detailed Area Plan (DAP). The DAP can be a development plan, such as proposed by the applicants, and shall meet the following criteria:

a. The Detailed Area Plan shall be contained within a general plan or amendment thereto, a specific plan or amendment thereto, or a local zoning ordinance which must, under the terms of the California Public Utilities Code, be referred to the ALUC for a mandatory determination of consistency with respect to the ALUP.
b. Input from the ALUC should be sought throughout the development of a Detailed Area Plan.
c. The Detailed Area Plan shall, at a minimum, provide:
    i. Specific indication of the maximum density of residential and nonresidential development that will be permitted at each parcel within the Detailed Plan area, together with provision that no building, use, or occupancy permit will be issued for any development which exceeds the established maximum densities of development.
    ii. Sufficient information to enable the ALUC to determine that the nonresidential densities allowed within the Detailed Plan area are in conformance with the

Maximum Density of Use (Non-Residential) figures specified in Table 10 of the ALUP.

iii. Sufficient information to enable the ALUC to determine that the residential densities allowed within the Detailed Plan area are in conformance with the figures specified in Table 10 of the ALUP.

iv. Sufficient information to enable the ALUC to determine that the residential densities allowed at each parcel within the Detailed Plan area are in conformance with the Maximum Density of Residential Development figures specified in Table 10 of the ALUP.

v. Specific indication of any parcels at which Special Function or High Intensity land uses will be permitted, together with an explicit provision that such uses are prohibited at all other sites within the Detailed Plan area.

d. The Detailed Area Plan shall contain provisions sufficient to ensure that all development within the Detailed Plan area will conform to the Noise, Airspace Protection, and Overflight Policies of the ALUP.

If the ALUC approves an ACOS Plan or Detailed Area Plan for the project site the project could be consistent with the ALUP. The City is currently pursuing approval of an ACOS that would cover the project site. If the ALUP determines that the proposed project is consistent with the ALUP, safety impacts from airport operations would be adequately addressed and impacts would be considered less than significant. Inconsistencies with ALUP are described in the following sections.

(a) Maximum Residential Development Density

The term "maximum density of residential development" denotes the maximum number of dwelling units per gross acre that may be permitted within any development or on any parcel by a project or action referred to the ALUC. According to ALUP policies, "a project or local action which lacks provisions to ensure that any and all future development projects within the referral will be restricted to a density equal to or less than the maximum residential density will be determined to be inconsistent with the ALUP." The maximum residential density allowed in the ALUP for Safety Area S-2 is six dwelling units/acre, or 12 dwellings per acre with an approved ACOS plan, or 18 units per acre with an approved ACOS plan and a DAP.

The proposed project, including the Creekstön, Tumbling Waters, and Broad Street Parcels components, consist of 11 parcels totaling approximately 22.92 gross acres (gross land area includes up to half of the adjacent street and railroad right-of-way). Under the proposed re-zoning and development plans, the proposed project would result in the development of 261 dwelling units, with an overall residential density of 11.38 dwelling units per acre. Based on the allowable density of 6 dwelling units per acre identified in the ALUP, the proposed project site would be limited to total 106 dwelling units. The approval of an ACOS plan would allow for 12 dwellings per acre, or 275 total dwelling units (refer to Figure HAZ-1). The approval of an ACOS plan and a DAP would allow for 18 units per acre, or 412 total dwelling units.

As proposed, the proposed project is inconsistent with the maximum allowable residential density policy identified in the ALUP. The ALUP does allow for adjustments to policies in the form of "density adjustments." A maximum residential density-adjustment would be required for

the proposed project's residential intensity, which is necessary to achieve consistency with the ALUP. An adjustment can be obtained by preparing an ACOS Plan and/or a Detailed Area Plan, which meets Minimum Reserve Space Requirements outlined in the ALUP.

HAZ Impact 1 **Development of the proposed project would increase residential density within San Luis Obispo Regional Airport S-2 Safety Area, inconsistent with safety-related policies of the ALUP, resulting in a direct long-term safety impact.**

HAZ/mm-1 Prior to development plan, rezoning, or general plan amendment approval by the City Council, the proposed project must be referred to the ALUC for a consistency determination with the ALUP. The ALUC must determine that the proposed residential density is consistent with the ALUP; or, the applicant shall submit revised plans that show a reduction in proposed residential density, consistent with ALUP requirements. *The proposed project may not be approved by the City Council unless it is determined to be consistent with the ALUP by the ALUC.*

HAZ/mm-2 Prior to recordation of final map, the applicant shall develop Covenants, Codes, and Restrictions (CC&Rs) that disclose to potential buyers or leasers that aircraft over-flights occur, and that such flights may result in safety hazard impacts should an aircraft accident occur. In addition, prior to recordation of final map, avigation easements shall be recorded over the entire project site for the benefit of the SLO County Regional Airport.

Residual Impact Implementation of the above measures along with adherence to Zoning Regulation requirements would mitigate ALUP inconsistencies and associated safety impacts to *less than significant with mitigation, Class II.*

(b) Maximum Non-Residential Densities

Figure 8 of the ALUP identify the maximum non-residential density for Safety Area S-2 at 60 persons per acre, or 1,375 maximum persons per acre for the entire 22.92-acre site (gross). As proposed, Tumbling Waters component would develop a "Village Core", located in the center of the proposed residential development, which includes a "Village Green" for individual and group activities. Located within the village green would be a 2,750 square-foot multipurpose building and fitness center ("Village Hall"), a "Tot Lot Playground", "Village Water Gardens", and a paved outdoor plaza ("Village Plaza") that includes a school bus drop-off/pick-up and that can be closed-off for community events.

Portions of the Creekstön component fronting Orcutt Road and Broad Street are proposed mixed-use building types. At the ground levels are Service Commercial (C-S) spaces that the applicant has intended for a small local market, deli, office space, or coffee house. In addition, in the C-S space along Orcutt Road, the applicant is proposing a 2,500 square-foot daycare facility. Development of the proposed project would not exceed the maximum allowable non-residential densities identified in the ALUP. No impacts are anticipated and no mitigation measures are warranted.

Source: City of San Luis Obispo Community Development Department

NORTH
Not to Scale

RESIDENTIAL DEVELOPMENT DENSITY
(WITH APPROVED ACOS)
FIGURE HAZ-1

(c) Special Function Land Uses

The Creekstön component proposes a large day-care facility that would be located within the S-2 Safety Area, inconsistent with the polices contained in the ALUP, resulting in a safety hazard impact. The day-care facility is designated as a Special Function Land Use by the ALUP, and is prohibited in the specified Aviation Safety Area unless the proposed development is controlled by an approved ACOS plan and DAP that have been approved by the ALUC.

HAZ Impact 3 **Development of the Creekstön component of the proposed project would introduce a day-care facility within San Luis Obispo Regional Airport S-2 Safety Area. This is inconsistent with the policies of the ALUP and would result in a significant long-term impact.**

HAZ/mm-5 Prior to development plan, rezoning, or general plan amendment approval, by the City Council, the project must be referred to the ALUC for a consistency determination with the ALUP. The ALUC must determine that the proposed Special Function Land Use is consistent with the ALUP; or, the applicant shall submit revised plans showing that the proposed Day Care Facility has been eliminated from the proposal. *The proposed project may not be approved by the City Council unless it is determined to be consistent with the ALUP by the ALUC.*

Residual Impact Revision of Creekstön project plans or development of an ACOS Plan would mitigate ALUP inconsistencies and associated safety impacts to *less than significant with mitigation, Class II.*

(d) Maximum Building Coverage

The maximum building coverage as outlined in the ALUP shall be no more than 20 percent of the gross land area. The existing proposed project plans show proposed building coverage for both Tumbling Waters and Creekstön components that exceed 20 percent of the gross land area. The proposed building footprints are inconsistent with the policies of the ALUP, and are considered a significant impact. According to Table 10 of the ALUP, if an ACOS plan is approved by the ALUC, limitations on building coverage no longer apply.

HAZ Impact 4 **Development of the proposed project would exceed the maximum building coverage allowed within S-2 Safety Area of the San Luis Obispo Regional Airport. This is inconsistent with the policies of the ALUP and would result in a significant long-term impact.**

HAZ/mm-6 Prior to development plan, rezoning, or general plan amendment approval, by the City Council, the project must be referred to the ALUC for a consistency determination with the ALUP. The ALUC must determine that the proposed Building Coverage is consistent with the ALUP; or, the applicant shall submit revised plans showing that the 20 percent building coverage limitation has been met. *The proposed project may not be approved by the City Council unless it is determined to be consistent with the ALUP by the ALUC.*

Residual Impact Implementation of the above mitigation measure would mitigate ALUP inconsistencies and associated safety impacts to *less than significant with mitigation, Class II.*

2) Railroad and Roadway Hazards

Operation and maintenance of rail lines over the years has resulted in varying levels of soil and groundwater contamination (e.g., railroad ties are treated with creosote, a wood preservative that causes soil and groundwater contamination) within railroad right-of-ways. Despite efforts to restrict access and discourage dumping, roadway and railroad right-of-ways have occasionally been used for unauthorized disposal, possibly including hazardous substances. Railroads and roadways are used to transport a significant amount of hazardous materials in California. Hazardous materials are transported through the project area on a daily basis by the UPRR and truck shipments by various companies (e.g. petroleum products, and hazardous materials shipped to and from the industrial area to the south).

Surface soil samples were collected in the UPRR right-of-way and analyzed in the Phase II Environmental Assessment. The analysis concluded that metals and petroleum hydrocarbons were not detected in quantities above regulatory thresholds observed by local or State regulatory agencies. Currently, regulations require the reporting of accidental releases of hazardous materials above certain chemical-specific reporting thresholds. Existing hazardous material levels sampled within the UPRR right-of-way are insignificant.

While railroad accidents related to hazardous materials spills are rare, railroad accidents are a possibility. Development of the proposed project along the UPRR tracks would increase the potential for exposure to hazardous materials. The County Office of Emergency Services, in conjunction with SLO City Fire Department would coordinate emergency response and evacuation of the project site should a derailment occur in the vicinity (the City of SLO does not have emergency evacuation procedures by neighborhood area).
Derailment of rail cars carrying hazardous materials and traffic accidents on surrounding roadways could result in contamination and poses a significant safety hazard for residences located adjacent to railroad and City roadways. This safety hazard is magnified with the presence of residences that are located adjacent to an at-grade crossing. While railroad accidents related to hazardous materials spills are rare, railroad accidents at the project site are a possibility. Portions of the proposed Tumbling Waters development adjacent to UPRR tracks would result in construction of residential structures within 20 to 25 feet of the UPRR right-of-way. If an accident or derailment were to occur, the possibility exists not only for an accidental release of hazardous materials, but that train engines or cars could crash into residential structures.

The proposed project would also extend Sacramento Drive from its current terminus south of the project site, and extended north, through the project site to a new intersection with Orcutt Road. Hazardous materials are routinely transported to and from the industrial area to the south. By developing an alternative link to the industrial area through the proposed project, the low-probability exists that a traffic accident could occur, exposing residents within the proposed project to an accidental release of hazardous materials.

HAZ Impact 5 **Transportation of hazardous materials through and adjacent to the project site could potentially expose residences to safety impacts associated with hazardous materials, or structures could be physically impacted by train crash, resulting in a direct long-term impact.**

HAZ/mm-7 Prior to recordation of final map, the applicant shall develop Covenants, Codes, and Restrictions (CC&Rs) that disclose to potential buyers or leasers that hazardous materials are or could be transported on Sacramento Drive and the UPRR tracks, and that inherent safety/hazardous materials impacts exist should an accident or upset condition occur.

Residual Impact Due to the extremely low likelihood that a hazardous spill or train derailment would occur, railway and roadway hazards impacts are considered *less than significant, Class III.*

During the public review period on the DEIR, the San Luis Obispo APCD commented that, due the proposed project's proximity to the railroad, the diesel exhaust from locomotives could present a hazard to adjacent residents due to the diesel particulate matter in the exhaust. In July of 1999 the California Air Resources Board listed diesel particulate matter emissions from diesel-fueled engines as a toxic air contaminant with no identified threshold level below which there are no significant effects. Diesel exhaust from train activity in the area could present a risk to the residents in the Tumbling Waters development.

HAZ Impact 5a **Diesel exhaust from trains idling along the project frontage, adjacent to the Tumbling Waters development, could result in health impacts to residents due to the diesel particulate matter in the exhaust.**

HAZ/mm-7a Prior to issuance of occupancy permits, the applicant shall submit to the Community Development Department evidence that they are working with UPRR to establish a "No Idling Zone" along the project frontage.

HAZ/mm-7b Prior to recordation of final map, the applicant shall develop Covenants, Codes, and Restrictions (CC&Rs) that disclose to potential buyers or leasers the potential health hazards and nuisances associated with diesel particulate matter.

Residual Impact Impacts of the proposed project associated with locomotive diesel exhaust would be *less than significant with mitigation, Class II.*

d. Public Safety Hazards

1) Police Protection

~~The SLOPD ratio of the number of deputies to population is currently approximately one deputy per 750 citizens. The development of the proposed project will increase the City population by approximately 674 residents. The development of the Four Creeks project will likely drive the need for additional personnel and equipment to maintain current performance and to reach the 30 percent response time goal.~~

SLOPD is currently operating below the available time standard established by the City's Safety Element. With the increase in service calls, the amount of patrol unit available time will decrease unless additional personnel and equipment are available. According to the Police Facilities Master Plan (Daniel C. Smith and Associates, Inc., 2003), the Police Department will need to double the size of their facilities in order to adequately serve all of the development proposed under the General Plan. However, according to the Police Department, the project site and vicinity would not be a logical location for expanded police facilities because its location would not provide for adequate response times to other parts of the City. Development of the Orcutt Area (approximately .5 mile from the project site) may require the establishment of a police substation in the vicinity to insure adequate service.

As part of its budget process, the City reviews changes in workload and service needs due to a variety of circumstances, and then allocates the resources needed to meet them. Police Department staffing changes will be made as needed to ensure that the proposed project receives the same level of service as the rest of the community. .~~Adequate service to the proposed project may at some point require the establishment of a police substation in the vicinity. As part of its budget process, the City reviews changes in workload and service needs due to a variety of circumstances, and then establishes standards and allocates the resources needed to meet them. Police Department staffing changes will be made as needed to ensure that this area receives the same level of service as the rest of the community. Mitigation is required that will ensure that development of the proposed project will not create additional burden on the police department.~~

HAZ Impact 6 **Development of the proposed project would increase the number of residents served by the City of San Luis Obispo Police Department. Additional service needs would decrease the amount of patrol unit available time, resulting in less than significant impacts.**

~~HAZ/mm-8~~ ~~Prior to occupancy clearance, the applicants shall prepare and submit a Police Protection Services Plan to the Police Department that will ensure that adequate police protection, equipment, and personnel are made available to sufficiently serve the project. The Police Protection Services Plan may include one or more of the following components:~~

- ~~Funding for new Police Department personnel.~~
- ~~Provision of police protection equipment, such as squad cars, communication devices, and/or other equipment.~~

~~The Police Protection Services Plan shall identify the applicant's appropriate share of funding for police protection staffing and equipment necessary to serve the project.~~

No mitigation measures are necessary.

Residual Impact Impacts of the proposed project associated with police protection would be considered *less than significant, Class III.* ~~*less than significant with mitigation, Class II.*~~

2) Fire Protection

~~Access to the proposed project site would be less than 1 mile from Fire Station 3, which is located at 1280 Laurel Lane. Typically, the site would be reached in less than three minutes under normal traffic conditions, which is below the SLOFD response time goal of four minutes.~~

~~The proposed project would generate an increase of approximately 674 residents served by the Fire Department. The corresponding increase in calls may increase response times and decrease the firefighter/population ratio, which would contribute to an existing need for additional fire department staff and equipment (Knabe, April 2005). Currently, the Fire Department does not meet the firefighter/population ratio of 1 per 1,000 residents. This would be considered a potentially significant impact.~~

The site access from Orcutt Road and Broad Street is approximately ½ to 1 mile from Fire Station # 1 and Fire Station # 3. The site can be reached in less than 4 minutes in all conditions. The proposed driveways through the project site will aid in reducing response time to the interior of the sites because they comply with City standards for access.

The proposed project would generate an increase of approximately 674 residents served by the Fire Department. This represents approximately 1.5% of the existing population and the corresponding increase in calls would be considered insignificant. No substations or additional facilities are necessary to adequately serve the project.

The applicant would be required to comply with the most recent Uniform Fire Code and implement City fire protection standards as a condition of the project. These standards include: access roads must have an unobstructed by parking minimum width of 20 feet; maximum allowable grades are 16%; cul-de-sac diameters must equal at minimum, 80 feet in diameter, with a turning radius that meets City standards; and two means of access may be required unless the project is considered fire safe to the extent that occupants may shelter in place.

HAZ Impact 7 **The project would increase the number of residents served by the San Luis Obispo Fire Department. The increase would affect the personnel, equipment and organization of the Fire Department by increasing the burden on Fire Department services, resulting in less than significant impacts.**

~~HAZ/mm-9 Road widths and internal circulation, as well as the placement of fire hydrants, shall be designed with the guidance of the Fire Department. A road system that allows unhindered Fire Department access and maneuvering during emergencies shall be provided. The San Luis Obispo Fire Department shall review all improvement plans for proposed development in the Orcutt Area to ensure compliance with City standards and the Uniform Fire Code.~~

~~HAZ/mm-10 The applicant shall prepare and submit a Fire Protection Services Plan to the Fire Department that will ensure that adequate fire protection facilities, equipment, and personnel are made available to sufficiently serve the project. The Fire Protection Services Plan may include one or more of the following components:~~

- ~~Funding for new fire department personnel.~~
- ~~Provision of fire protection equipment, such as a Type I fire engine, Type IV 4-wheel drive EMS/Rescue vehicle, and/or other equipment.~~
- ~~Funding for a new fire station in close proximity to the project site.~~
- ~~Employment of a fire protection planning consultant to be retained by the applicant to assist in the design and construction of the project in a manner that ensures sufficient fire protection.~~

~~The Fire Protection Services Plan shall identify the applicant's appropriate share of funding for fire protection facilities, equipment, and staffing necessary to serve the project.~~

No mitigation measures are necessary.

Residual Impact Impacts of the proposed project associated with fire protection would be *less than significant with mitigation, Class II.*

6. Cumulative Impacts

a. Hazardous Materials and Transportation Hazards

Cumulative development would result in the increased use and/or transport of hazardous materials in the area and the potential exposure of an increased population to these materials. Potential hazards and use of hazardous materials are location-specific to the extent that they may result in significant impacts on the localized environment, but they are not "cumulative" in the sense normally applied in CEQA documents. Therefore, the cumulative impacts related to these issues and mitigation measures that have been previously identified for the development project would apply cumulatively as well.

b. Public Safety Hazards

1) Police Protection

During 2004, the available time for all patrol officers on all shifts was below the 30 percent available time objective for patrol response. In addition to the proposed project, projects

identified in the cumulative development scenario will increase the residential population and commercial services in the southern area of the City. This cumulative buildout of the project vicinity would increase demands on police protection services. Without increases in staffing and facilities correlating to these population increases, potentially significant impacts could occur. The proposed project would incrementally contribute to this impact. As part of its budget process, the City reviews changes in workload and service needs due to a variety of circumstances, and then allocates the resources needed to meet them. When the General Plan was prepared, it was accompanied by a fiscal impact analysis, which found that overall the General Plan was fiscally balanced. Accordingly, since the proposed project is consistent with the General Plan, it has a neutral fiscal impact and the ability of the City to continue to allocate resources for various public services, including police protection, is not affected. Therefore, the cumulative impacts would be less than significant.~~The proposed project shall pay its necessary funding for police protection, equipment, and staffing needed to serve the project. This, in combination with the other projects contributing their fair share, would ensure adequate police services be developed to accommodate the cumulative demand. Therefore, the cumulative impacts would be less than significant.~~

2) Fire Protection

In addition to the proposed project, the Orcutt Area, Margarita Area and Airport Area Specific Plans ~~projects identified in the cumulative development scenario~~ will increase the residential population and commercial services in the southern area of the City. This cumulative buildout of the project vicinity would increase demands on fire protection services. Without increases in staffing and facilities correlating to these population increases, potentially significant impacts could occur. The proposed project would incrementally contribute to this impact. When the General Plan was prepared, it was accompanied by a fiscal impact analysis, which found that overall the General Plan was fiscally balanced. Accordingly, since the proposed project is consistent with the General Plan, it has a neutral fiscal impact and the ability of the City to continue to allocate resources for various public services, including police protection, is not affected. Therefore, the cumulative impacts would be less than significant.~~The proposed project shall pay its necessary funding for fire protection, equipment, and staffing needed to serve the project. This, in combination with the other projects contributing their fair share, would ensure adequate fire services be developed to accommodate the cumulative demand. Therefore, the cumulative impacts would be less than significant.~~

7. Mitigation Monitoring Summary

Chapter VIII, Mitigation Monitoring and Reporting Plan, summarizes the mitigation measures and monitoring requirements for this resource.

F. UTILITIES (UTIL)

The utility issues addressed in this section of the EIR focus on the proposed project and the existing utilities that would potentially be impacted during construction and operation of the project including water supply and wastewater services.

1. Existing Conditions

a. Water Resources

The proposed project would use existing City infrastructure for water supply requirements. The location of the tie-in to the public water system is located on Orcutt Road adjacent to the project site. The City currently receives domestic water from three groundwater wells, the Salinas Reservoir (Santa Margarita Lake), and Whale Rock Reservoir. These water supply sources provided a combined safe annual yield in 2004 of approximately 7,500 acre-feet. The City's actual water demand in 2003 was approximately 6,000 acre-feet, based on an actual usage demand of approximately 120 gallons per person per day (0.134 acre-foot/person/year), which supports a population of approximately 44,225 people (City of San Luis Obispo Water Resources Status Report, 2004).

1) Salinas Reservoir Water Supply

The Salinas Dam was built in 1941 by the War Department to supply water to Camp San Luis Obispo and secondarily, to meet the water needs of the City. The Salinas Reservoir (Santa Margarita Lake) captures water from a 112 square mile watershed and can currently store up to 23,843 acre-feet. In 1947, the Salinas Dam and delivery system was transferred from the regular Army to the U.S. Army Corps of Engineers. Since 1965, the San Luis Obispo County Flood Control and Water Conservation District has operated this water supply for the City under a lease from the U.S. Army Corps of Engineers. Water from the reservoir is pumped through the Cuesta Tunnel and then flows by gravity to the City's Water Treatment Plant on Stenner Creek Road. As of May 2004, the City's available storage (above minimum pool) was 7,321 acre-feet.

The City is still considering the Salinas Reservoir Expansion Project, which proposes to install an operable gate in the spillway, as one of the potential water supply projects to meet future water needs of the City. The original design of the dam included a gate in the spillway, which would raise the water level in the reservoir by up to 19 feet. This would achieve a total of approximately 41,843 acre-feet of storage capacity.

2) Whale Rock Reservoir Water Supply

Whale Rock Reservoir is a 40,662 acre-foot reservoir created by the construction of an earthen dam on Old Creek near the community of Cayucos. The dam was designed and constructed by the State Department of Water Resources in 1961 to provide water to the City of San Luis Obispo, Cal Poly State University, and the California Men's Colony. Three water purveyors (Morro Rock Mutual Water Company, Paso Robles Beach Water Association, and CSA 10) and the cemetery in the community of Cayucos also utilize water from the reservoir. The Whale Rock Dam captures water from a 20.6 square mile watershed and water is delivered through 17.6 miles of 30-inch pipeline and two pumping stations. As of May 2004, the City's share of Whale Rock Reservoir (above minimum pool) was 16,159 acre-feet.

3) Ground Water Supply

Three wells currently supply approximately 250 acre-feet of water for domestic use. The groundwater basin is relatively small and recharges very quickly following normal rainfall periods, but it also lowers relatively quickly following the end of the rainy season.

The San Luis-Edna Valley Groundwater Basin is an elongated trough of relatively recent (Pleistocene and Holocene age) sediments approximately 13 miles long and one to two miles wide. It is recharged primarily by streams flowing from the northeast, and it is naturally drained by streams flowing out of the basin, primarily San Luis Obispo and Pismo Creeks. The largest source of inflow is San Luis Obispo Creek.

The quality of groundwater from the local basin is generally suitable for domestic use, although iron and manganese are locally high and may require treatment (Cleath, 1998). There have also been high nitrates and detectable levels of tetrachloroethylene in some wells north of Los Osos Valley Road. Methyl tertiary butyl ether (MTBE) has not been detected in the three municipal wells as of 2003 (D. Gilmore, personal communication, January 2005).

4) Current City of San Luis Obispo Water Usage

The project site contains undeveloped parcels and does not currently use City water supplies. The City of San Luis Obispo allocates water at the time of building permit issuance on a first come, first served basis. At the time of building permit issuance, the City determines a project's water demand and the availability of water for allocation to the project. City staff has indicated that the existing water supply is sufficient for the proposed project after accounting for adjustment of the adopted growth rate (D. Gilmore, personal communication, November 2004). The current City water demand is based on a present water demand factor of 145 gallons/person/day (gppd) and a 2004 population of 44,176. Based on current water supply and demand estimates, there are approximately 324 acre-feet per year of water available for new development within the City of San Luis Obispo (refer to Table UTIL-1).

TABLE UTIL-1
City of San Luis Obispo - 2004 Water Balance

Water Supply and Demand Factors	2004 Water Supply/Demand
Whale Rock and Salinas Reservoirs	+7,250
Groundwater	+250
2004 Safe Annual Yield	+7,500
2004 Demand: (44,176 people X 145 gppd)	-7,176
Available Water Supply	+324

Source: City of San Luis Obispo Water Resources Status Report, June 2004

b. Wastewater

The City is responsible for collecting, treating, and disposing of wastewater from approximately 13,500 residential, commercial, industrial, and public customers within the incorporated area of the City of San Luis Obispo (the City provides wastewater treatment within the Urban Reserve Line in compliance with the Regional Water Quality Control Board requirements.) The City's existing wastewater collection system consists of approximately 150 miles of sewer pipes, ranging from six to 30 inches in diameter. Eight pumping stations move the wastewater from areas where the slope of sewer pipes is not sufficient to allow gravity flow. This system conveys approximately 4.5 million gallons of wastewater per day to the City's Water Reclamation Facility, which is designed to treat 5.1 million gallons per day.

Collected wastewater is treated at the City's Water Reclamation Facility on Prado Road near Highway 101. The plant removes floating and large, gritty material, reduces the amount of nutrients and bacteria, separates sludge from the waste stream, and discharges the treated effluent into San Luis Obispo Creek near Los Osos Valley Road. Sludge is separated from the wastewater, dried in open ponds at the treatment plant, and hauled away for disposal. The treatment plant uses tanks, pumps, and other mechanical equipment as well as microorganisms to treat the water.

As proposed, the project would connect to the sanitary sewer system that currently exists in Orcutt Road and extends past the project site to the south. Project-generated wastewater would flow through a gravity sewer to the Rockview station, which is considered to be operating at capacity (D. Gilmore, personal communication, November 2004). One of the major factors currently limiting development of the proposed project is the size of the force main that extends from the Rockview lift station across the Four Creeks site to a manhole at the end of McMillan Street. The force main would be the critical link for wastewater flow from the project site to the treatment plant. The Rockview wastewater pumping station also receives wastewater from the Regional Tank Farm lift station, which in turn receives wastewater from the Airport lift station. These facilities are old, but well maintained.

The City currently has plans to construct a new Tank Farm Regional lift station starting in the summer of 2005. The new facility is essential to providing wastewater collection service to the Margarita and Airport annexation areas, while providing additional capacity for existing service areas. The new sewer and lift station would allow the retirement of the existing Airport, Tank Farm, and Rockview lift stations. The Tank Farm, Rockview, and Airport lift stations have reached the end of their serviceable life. After completion of the project in late 2006, wastewater would not be pumped as far, and there would be an increase the overall energy efficiency of the regional wastewater collection system. The new facility would also have adequate capacity to support buildout of the Orcutt, Margarita, and Airport specific plan areas. The applicants would be required to pay a fair share of necessary City wastewater infrastructure improvements for the Four Creeks project area.

2. Regulatory Setting

a. Federal Policies and Regulations

1) Water Supply

(a) Safe Drinking Water Act of 1974

The Safe Drinking Water Act implemented by the Environmental Protection Agency is the primary federal regulation controlling drinking water quality. The Safe Drinking Water Act grants the EPA the authority to establish and enforce guidelines for the achievement of minimum national water quality standards for every public water supply system serving 25 people or more.

The Act was originally implemented in 1974 with significant revisions in 1986. The Act originally set standards for 83 individual constituents, including pesticides, trihalomethanes, arsenic, selenium, radionuclides, nitrates, toxic metals, bacteria, viruses, and pathogens. The 1996 amendment to the Act made some significant changes, most of which resulted in more stringent application of control technology. The amended Act also adopted a more rigorous schedule for complying with the Disinfectants/Disinfection By-Products Rule and the Enhanced Surface Water Treatment Rule, both of which took effect in 1998.

(b) The Clean Water Act

The Clean Water Act controls the discharge of toxic material into surface water bodies. Under this act, states are required to identify water segments impaired by pollutants and develop control strategy/management plans to reduce pollution and meet certain water quality standards.

2) Wastewater

Federal Environmental Protection Agency (EPA) standards for the quality of treated wastewater effluent would have to be met. Typically, the EPA sets federal guidelines for wastewater treatment that are then enforced by the individual states.

b. State Policies and Regulations

1) Water Supply

The establishment and enforcement of water quality standards for the discharge into and maintenance of water throughout California is managed by the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCB). The SWRCB enforces the federal Clean Water Act on behalf of the U.S. EPA. Most of the quantitative objectives are based on the California Code of Regulations, Title 22 - State Drinking Water Standards. Other considerations include the University of California Agricultural Extension Guidelines for Agricultural Irrigation Use, the Porter-Cologne Water Quality Control Act, and the Water Quality Control Board's Non-degradation Policy. The City of San Luis Obispo lies within Region 3 - Central Coast Regional Water Quality Control Board. The RWQCB is the primary State agency ensuring that the quality of potable water supplies is protected from harmful effects by man.

The RWQCB would also enforce Title 22 of the CCR pertaining to the use of recycled or reclaimed water for beneficial uses such as irrigation reuse.

The State Department of Health Services is responsible for overseeing the quality of water from treatment to storage and distribution systems. The Department of Health Services oversees the self-monitoring and reporting program implemented by all water purveyors, performs inspections, and assists with financing water system improvements for the purpose of providing safer and more reliable service.

(a) The Porter-Cologne Water Quality Control Act of 1987

The Porter-Cologne Water Quality Control Act provides the authority and method for the State of California to implement its water management program. The act establishes waste discharge requirements for both point and nonpoint source discharges, affecting surface water and groundwater.

(b) Safe Drinking Water and Toxic Enforcement Act of 1986

The Safe Drinking Water and Toxic Enforcement Act prohibits the discharge or release of any significant amount of chemical known to cause cancer or reproductive toxicity into the drinking water supply, by any person in the course of doing business.

(c) The Groundwater Management Act of 1992 (AB 3030)

The Groundwater Management Act was designed to provide local public agencies with increased management authority over groundwater resources in addition to existing groundwater management capabilities. A key element of this law is the development and implementation of groundwater management plans.

2) Wastewater

State water quality laws establish standards for quality of treated effluent. Effluent is required to be treated in accordance with the applicable standards from the California Code of Regulations Title 22 (Environmental Health) and the SWRCB, which set specific effluent discharge requirements for wastewater facilities in the City of San Luis Obispo.

Standards for quality of treated effluent are set to protect present and potential beneficial uses of surface and/or groundwater that receives the effluent, including recreation, agriculture, and wildlife. The SWRCB set the specific requirements for the San Luis Obispo Water Reclamation Facility in April 1986. Standards for quality of the treated effluent are set to protect present and potential beneficial uses of the water which receives the effluent, including recreation, agriculture, and wildlife. The standards include maximum allowed changes in acidity/alkalinity, temperature, and dissolved oxygen in San Luis Obispo Creek as well as maximum allowed quantities of solids, nutrients, oil and grease, coliform bacteria, and chlorine in the effluent released from the treatment plant. These regulations do not apply directly to the project, but to the treatment facility that receives and handles all of the City's effluent.

c. Local Policies and Regulations

1) Water Supply

The City regulates the use of water for residential and non-residential purposes by considering the availability of water in the approval of such projects and has measures in place to reduce

long-term impacts to water supply. The policies in the Water and Wastewater Management Element of the City General Plan determine water availability for new development. The following policies would be applicable for the proposed project.

8.1.2 Supplying New Development

- The City will determine the water available for allocation to new development by either; the adopted safe annual yield of the City's water supplies minus present demand as identified in Policy 3.1.4, or the projected demand at build-out as identified in Policy 3.1.3 minus present demand as identified in Policy 3.1.4; whichever is less. Available allocations will be assigned to development in a way that supports balanced growth, consistent with the General Plan. Allocations from a new water supply shall be considered available at the time project construction is initiated.

- Any safe annual yield from new water supply projects beyond that needed to balance safe annual yield and present demand will be allocated to development, subject to the requirements in Policy 8.1.3, "Reserve for Intensification and Infill."

- A water allocation shall not be required for projects for which the developer makes changes in facilities served by the City that will reduce long-term water usage equal to twice the water allocation for the project.

8.1.3 Reserve for Intensification and Infill Development

The City will annually update the water available for allocation based on the difference between the adopted safe annual yield (policy 1.1.2) and the present water demand (policy 3.1.4) as part of the annual Water Resources Status Report. One-half of the water available for allocation (not to exceed the total required for infill and intensification), as identified on the Water Resources Status Report, will be reserved to serve intensification and infill development within existing city limits as of July 1994.

10.1.2 Uses of Reclaimed Water

- The City will make available reclaimed water to substitute for existing potable water uses as allowed by law and to supply new non-potable uses.

- When deemed appropriate by the Utilities Director, new development shall be equipped with dual plumbing to maximize the use of reclaimed water for non-potable uses.

2) Wastewater

The policies in the Water and Wastewater Management Element of the City General Plan determine wastewater and capacity issues available for new development. The following policies would be applicable for the proposed project.

12.1.1 Service Area

The current wastewater service area is the incorporated area of the City. The City shall provide wastewater service adequate for existing uses and new development pursuant to the Land Use Element for all areas within the city limits.

12.1.6 Service Capacity

The City's wastewater collection and treatment systems must be able to support population and related service demands consistent with General Plan objectives. These basic objectives are stated in the Land Use Element (growth management) and in the Housing Element.

d. Consistency with Plans and Policies

The proposed project has been evaluated for consistency with plans and policies that pertain to utilities. If potential inconsistencies were identified, impacts are discussed in Section V.F.5 below, and mitigation measures have been recommended that reduce or eliminate these inconsistencies.

3. Thresholds of Significance

Appendix G of the CEQA Guidelines provides the following thresholds for determining the impact significance with respect to water and wastewater services. Water supply impacts would be considered significant if the proposed project would:

- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or,
- Not have sufficient water supplies available to serve the project from existing entitlements and resources, and would require new or expanded entitlements.

Wastewater impacts would be considered significant if the proposed project would:

- Exceed wastewater treatment requirements of the applicable RWQCB;
- Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- Substantially degrade water quality; or,
- Violate any water quality standards or waste discharge requirements.

For the purposes of evaluating the proposed project, significant water supply and wastewater impacts would occur if project demands exceeded existing water supplies or wastewater facility capacities.

4. Impact Assessment and Methodology

The impacts of the proposed project were evaluated based on assessment of site activities and intended water and wastewater requirements, which were based on the maximum proposed density and intended use of the parcels, as identified in the project description.

Water supply impact assessment was determined through the use of water duty factors derived from several sources including: information contained in the 2004 Water Resources Status Report prepared by the City Utilities Department, water duty factors used in the 1998 Woodlands Specific Plan EIR, which is a similar large scale development in a coastal area, and the City of Santa Barbara Water Demand Factor and Conservation Study. The Woodlands water demands were prepared by Cleath & Associates who derived the water demand estimates based on numerous studies and communication with various sized water purveyors to obtain local water use information. Water usage rates included in the Cleath report were obtained from the City of Arroyo Grande and the City of San Luis Obispo.

Wastewater collection and treatment capacity was determined through Internet research on the City of San Luis Obispo Public Works website, research conducted by the City Utilities Department, and personal communications with Utility Department staff.

5. Project-Specific Impacts and Mitigation Measures

a. Water Supply

Estimated water demand of the proposed project was determined through the use of various water duty factors as applicable for the proposed land uses identified in the project description. Table UTIL-2 generally estimates the proposed project's residential water demand assuming proposed maximum development potential.

TABLE UTIL-2
Estimated Residential Project Water Demand

Project Component	Units	Individuals*	Water Duty Factor**	Demand (acre-feet/year)
Tumbling Waters	175	397.25	145 gpd	64.5
Creekstön	86	195.22	145 gpd	31.7
Broad Street Parcels	36	81.72	145 gpd	13.3
			Total Residential Demand	109.5

Note:
*According to Census data, an average of approximately 2.27 individuals can be estimated to occupy each new dwelling unit developed. (Individuals = Units X 2.27).
** Water duty factor established for planning purposes from the City of SLO Water Resources Status Report, 2004.

Table UTIL-3 estimates the proposed project's non-residential water demand assuming proposed maximum development potential. Table UTIL-4 combines Tables UTIL-2 and UTIL-3 to provide an estimated total project-related water demand.

TABLE UTIL-3
Estimated Non-Residential Project Water Demand

Component	Unit Type	Number of Units	Water Duty Factor (AFY/unit)	Demand (acre-feet/year)
Tumbling Waters				
Multi-Purpose Building & Fitness Center	Facility	1	6.4*	6.4
Water Garden	Acre	0.34	4.7*	1.6
Landscaping	Acre	3.5	1.5*	5.3
Creekstön				
Commercial	7,200 ft^2	Square Feet	0.11/1000 ft^{2}**	0.8
Day Care Facility	2,500 ft^2	Square Feet	0.11/1000 ft^{2}**	0.3
Landscaping	Acre	1.7	1.5*	2.6
Broad Street Parcels	n/a	n/a	0.0	0.0
			Total Non-Residential Demand	17.0

Notes:
* Water duty factor from Woodlands EIR, Cleath and Associates, 1998
** City of Santa Barbara Water Demand Factor and Conservation Study, 1989

TABLE UTIL-4
Total Estimated Four Creeks Water Demand

Water Demand Source	Total Water Demand (acre-feet per year)
Residential	109.5
Non-residential	17.0
Total Demand	126.5

Although the proposed project is not anticipated to significantly impact City of San Luis Obispo beyond current available domestic water supplies, the proposed project is expected to consume approximately 126.5 acre-feet per year or approximately 40 percent of the projected 324 acre-feet of available domestic supply. Because of this relatively high percentage of water usage, it is appropriate to utilize applicable water conservation measures. As stated in the City's Conservation Element, use of and recycling of tertiary treated wastewater for beneficial use shall be required wherever feasible.

UTIL Impact 1 **The proposed project would consume approximately 40 percent of the City's remaining available water supply, resulting in a direct long-term impact.**

UTIL/mm-1 At the time of application for building permits, the applicants shall submit revised plans that include all on-site irrigation systems designed for the use of City recycled wastewater. All water utility services shall be designed for compatibility with on-site use of recycled water for irrigation.

UTIL/mm-2 Prior to issuance of building permits, the applicants shall develop a detailed Water Conservation Plan to be reviewed and approved by the Community Development Director. The Water Conservation Plan shall identify use of the following: low flow shower restrictors, low flow toilet fixtures, drought tolerant landscaping, and other water saving devices. In addition, the plan shall incorporate the use of recycled water for landscape irrigation to mitigate overall water consumption.

Residual Impact Impacts associated with the long-term supply of water resources would be considered *less than significant, Class III.*

b. Wastewater

Wastewater generated from development of the proposed project would be conveyed and treated by the City of San Luis Obispo. The City wastewater treatment plant has reached approximately 90 percent of its design capacity, and plans are under way for capacity upgrades per State requirements. The proposed project is not expected to exceed existing wastewater treatment plant capacity; however, existing collection facilities in the Orcutt Road/Broad Street area are in need of upgrades and repair, and are currently operating near capacity, which is creating problems with conveying wastewater to the treatment plant.

Approximately 80 percent of a project's overall water demand actually ends up in the wastewater treatment facility (Cleath 1998). Using the estimated water demand of 126.5 acre-feet per year for the project (refer to Table UTIL-5), it can be estimated that approximately 101.2 acre-feet per year of wastewater would be generated by the proposed project.

Wastewater from the proposed project would flow to the existing Rockview lift station. Due to the limited capacity of this station, the additional wastewater flows from complete buildout of the proposed project would result in a significant impact if the project were constructed prior to the new Tank Farm Regional lift station and gravity sewer project being completed. The Tank Farm Regional lift station and gravity sewer project is expected to be designed by the middle of 2005 and constructed within a year after completion of the design, indicating that the new system would be operational by the summer of 2006 (D. Gilmore, personal communication, January 2005). Once the new system is operational, it would be able to accommodate the additional wastewater flows generated by the full buildout of the proposed project.

UTIL Impact 2 The proposed project would create additional wastewater flows through wastewater conveyance systems that are currently operating near capacity, resulting in a direct long-term impact.

UTIL/mm-3 Prior to issuance of building permits, the applicants shall make fair share payments to the City's Wastewater Impact Fee, which would help finance the construction of any needed capacity expansion at the wastewater treatment plant and the necessary Tank Farm Regional lift station that would serve the project. Payments into the City's Wastewater Impact Fees include consideration of needed system improvements.

UTIL/mm-4 Prior to issuance of building permits, the applicants shall provide evidence that there are adequate wastewater conveyance systems to serve the proposed project through either of the following:

a. A letter from the City Public Works Department indicating that construction of the Tank Farm Regional lift station is completed; or,
b. A letter from the City Public Works Department indicating that a phased approach to the project has been reviewed and approved based on estimates of existing wastewater capacity from the City Utilities Engineer.

Residual Impact Wastewater impacts would be *less than significant with mitigation, Class II.*

6. Cumulative Impacts

Implementation of the proposed project in conjunction with the projects identified in the cumulative development scenario would potentially exhaust the City's available water supply. To accommodate future water demand, the City is pursuing several alternative water supply projects, including: the Nacimiento Pipeline Project, the Salinas Reservoir Expansion Project, water conservation strategies, additional groundwater resources, and a reuse project that plans to supplement the current water supply by 130 acre-feet per year. Implementation of the alternative water supply projects would result in a future potential of over 1,000 acre-feet per year (D. Gilmore, personal communication, November 2004), which would adequately supply buildout of the cumulative development scenario. Cumulative impacts to water supply would be considered less than significant (Class III), and no mitigation measures are warranted.

Implementation of the proposed project in conjunction with the projects identified in the cumulative development scenario would result in impacts to the existing wastewater conveyance system in the Orcutt Road/Broad Street area. Improvements proposed as part of the Tank Farm Regional lift station project would mitigate these impacts to less than significant levels. No additional cumulative impacts are anticipated and mitigation measures are not warranted.

7. Mitigation Monitoring Summary

Chapter VIII, Mitigation Monitoring and Reporting Plan, summarizes the mitigation measures and monitoring requirements for this resource.

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G. AESTHETIC RESOURCES (AES)

1. Existing Conditions

a. Regional Setting

The proposed project is located in the southeastern portion of the City of San Luis Obispo. San Luis Obispo was founded on predominantly undulating topography, with low hillsides rising from drainages and creeks. The overall landform of the city and its surroundings is generally defined by the convergence of the Chorro and the Los Osos Valleys. A series of low, visually distinct mountain peaks such as Bishop's Peak and Cerro San Luis separate the two valleys and provide a scenic focal point for much of the city. Cuesta Ridge and the Santa Lucia foothills border the Chorro Valley to the north and east, and the Irish Hills border the Los Osos Valley to the southwest. The Santa Lucia Mountains and Irish Hills are the visual limits of this region and are considered the scenic backdrop for much of the city. Smaller, intermediate hills such as Islay Hill, the South Street Hills, Terrace Hill, and Mine Hill are also local landmarks and provide definition to neighborhoods and sub-regions of the city. The visual boundaries to the south and southeast are distant and are defined by low hills rising up from broad valleys. City and county development in the region occurs predominantly at the lesser elevations and on the low hills.

b. Surrounding Land Uses

The project site is located in an area surrounded by mostly commercial development (refer to Section IV for a complete description of surrounding land uses). With the exception of a new retail center at the corner of Broad Street and Orcutt Road, the area surrounding the project site is generally well established, with mature landscaping defining much of the visual character. Residential development is also found in the area surrounding the project. Apartment buildings and condominiums are located along Broad Street, Laurel Lane, and Bullock Lane. Other higher -density residential development has been approved in the vicinity of the project. A new planned unit development is under construction along Rockview Place, within view of the project at the base of the South Street Hills. No single architectural theme is found in the area surrounding the project site. The built character of the vicinity is more a reflection of years of evolving aesthetic style and function.

Immediately west of the project site the topography rises somewhat as it approaches the base of the South Street/Margarita Hills. These hillsides reach their peak of 560 feet above sea level at a distance of approximately 1,500 feet west of the project site. These hills define the scenic backdrop and horizon for most of the views in the area surrounding the project site. East of the project site, beyond the railroad tracks, Orcutt Road follows the landform in a gentle rise toward the foothills of the Santa Lucia Mountains, approximately two miles away. The open space of the Santa Lucias frames the community and project setting to the east. Views toward the southeast from areas surrounding the project include the upper portions of Mine Hill and Islay Hill in the distance.

The community immediately surrounding the project is of moderate scenic quality. The adjacent visual character is defined largely by the varied mix of development and land use. Mature landscaping provides a unifying visual element throughout the surrounding neighborhoods.

Consistent with the City General Plan, the visual character of the southern portion of San Luis Obispo is expected to change over the next several years. As development occurs in the Margarita area, the Orcutt Area, and the Airport Area, community character will inevitably become more urban.

c. Project Setting

The project site itself is relatively flat, with four seasonal creeks crossing the site. Natural drainage patterns of the area flow toward the creeks, and the site is generally at a lower elevation than the parcels surrounding it. Because of the flat and low profile relative to the setting, the landform of the site is not a visible or memorable feature for the surrounding community. The site is most noticeable by the stands of large eucalyptus trees grouped near the creeks on the western portion of the site. These tall trees are highly visible as skyline elements and can be seen from viewpoints over a mile away. The eucalyptuses, in combination with other large windrows in the area, contribute greatly to the vegetated character of the area and the community.

In addition to the stands of eucalyptus, oaks and willow trees grow along the creek corridors. Other mature trees are found along the perimeter of the site and lining Orcutt Road. The remainder of the project site consists of ruderal grasses and weeds. Post and wire fencing defines the perimeter of the majority of the site. A dilapidated wooden bridge crosses Bishop Creek near the western boundary of the site. No other notable development or built structures are apparent on the project parcels.

2. Regulatory Setting

The project site is located within the jurisdiction of the City of San Luis Obispo. Sensitivity regarding aesthetic issues is reflected in local land use plans and guidelines. The following regulatory setting includes review of the proposed project's consistency with aesthetic resources policies identified in the San Luis Obispo General Plan Land Use Element, Open Space Element, Circulation Element, and the City of San Luis Obispo Zoning Ordinance.

a. Local Land Use Policies

1) San Luis Obispo City General Plan Land Use Element

The General Plan Land Use Element (2004) lists goals that serve to protect public views of the surrounding hills and mountains and develop buildings and places that compliment the natural landscape and the fabric of neighborhoods.

The following Land Use Element policies address aesthetic resources and would apply to the proposed project:

2.2 Residential Location, Uses, and Design

2.2.8 Natural Features: Residential developments should preserve and incorporate as amenities natural site features, such as landforms, views, creeks, wetlands, wildlife habitats, and plants.

2.2.9 Parking: Large parking lots should be avoided. Parking lots should be screened from street views. In general, parking should not be provided between buildings and the street.

2.2.10 Compatible Development: Housing built within an existing neighborhood should be in scale and in character with that neighborhood. All multifamily development and large group-living facilities should be compatible with any nearby, lower-density development.

A. Architectural Character: New buildings should respect existing buildings which contribute to neighborhood historical or architectural character, in terms of size, spacing, and variety.

B. Privacy and Solar Access: New buildings will respect the privacy and solar access of neighboring building and outdoor areas, particularly where multistory buildings or additions may overlook backyards of adjacent dwellings.

2.2.11 Site Constraints: Residential developments shall respect site constraints such as property size and shape, ground slope, access, creeks and wetlands, wildlife habitats, native vegetation, and significant trees.

2) San Luis Obispo City General Plan Open Space Element

The General Plan Digest of the Open Space Element (2002) addresses the goals, policies, and programs for hills and mountains and other scenic resources. The Open Space Element lists goals that serve to:

- Preserve and enhance the aesthetic quality of mountain and hill resources;
- Maintain and enhance tourism in San Luis Obispo by protecting the City's scenic quality;
- Preserve scenic resources within the City and its Planning Area as open space;
- Restore scenic resources which have been degraded; and,
- Protect view corridors, viewsheds, and gateways within the City and its Planning Area.

The following Open Space Element policies address aesthetic resources and would apply to the proposed project:

OS 11.2.1 Preservation of Scenic Resources
Scenic resources should be preserved consistent with the policies in this Element.

OS 11.2.2 Billboards and Signs
Billboards and obtrusive signs should be prohibited.

OS 11.2.3 Development Practices for Protecting Scenic Resources
Public or private development should be required to protect scenic resources by:

A) Prohibiting structures along ridgelines, steep slopes, or in other highly visible locations unless no practicable alternative is available, otherwise provided for in the Land Use Element, or such a location is necessary to protect public health and safety.

B) Utilizing natural landforms and vegetation for screening structures, access roads, building foundations, and cut and fill slopes.

C) Including landscaping which: (1) provides a landscape transition between developed areas and adjacent open space or undeveloped areas; and (2) is compatible with the scenic resource being protected.
D) Incorporating sound Soil Conservation Service practices and minimizing land alterations. Land alterations should be minimized by: (1) keeping cuts and fills to a minimum; (2) limiting grading to the smallest practical area of land; (3) limiting land exposure to the shortest practical amount of time; (4) replanting graded areas to insure establishment of plant cover before the next rainy season; and (5) creating grading contours that blend with the natural contours on site or look like contours that would naturally occur.
E) Designing roads, parking, and utilities to minimize visual impacts. If possible, utilities should be underground. Roadways and parking should fit the natural terrain.
F) Designing projects to fit the site's scale and character. Structures should be designed and located so: (1) they do not silhouette against ridgelines, mountaintops, or hilltops, (2) roof lines and vertical architectural features blend with and do not detract from the natural background or ridge outline, (3) residential density and massing is decreased with increased elevation where it would mar the scenic quality of the scenic resource, (4) they fit the natural terrain, and (5) they utilize building materials, colors, and textures that blend with the natural landscape and avoid the creation of high-contrast situations.

OS 11.2.4 Viewshed Protection
Important view corridors, viewsheds, and gateways should be protected by:
A) Assessing new development's potential impact on these resources.
B) Mitigating, to the extent feasible, projects which would adversely impact important view corridors, viewsheds, or gateways. When assessing scenic impacts along a gateway (when the land is used for agriculture and will be maintained in agriculture), preserving agricultural viability should have a higher priority then preserving scenic quality along the gateway.

3) San Luis Obispo City General Plan Circulation Element

The project site would front two roads identified on the Scenic Roadways Map of the General Plan Circulation Element (1994). Broad Street, adjacent to western boundary of the proposed project, is designated as a "Road of High Scenic Value". Orcutt Road, adjacent to the project along its northern boundary is classified as a "Road of Moderate Scenic Value". Portions of Laurel Lane, also identified as a City-designated scenic roadway, have views of the project site.

Appendix "B", Scenic Roadway Survey Methodology section of the Circulation Element defines the following elements as aesthetic resources relating to the scenic roadway segments of Broad Street, Orcutt Road, and Laurel Lane:

- Santa Lucia Foothills;
- South Street Hills;
- Islay Hill; and,
- Orcutt Knob.

Appendix B of the Circulation Element assigns numeric values to the hillside scenic elements on which the scenic roadway designations are based. The specific scenic hillsides are defined as

either "Major" visual units or "Minor" visual units according to their value relative to other community hillside resources. Each hillside resource is assigned a corresponding numerical ranking of 2 for a Major unit and 1 for a Minor unit. View access to each hillside resource from the roadway is then rated as "Good", "Fair", or "Poor", with a corresponding value of 3, 2 or 1. The following table is extracted from Appendix "B" of the Circulation Element and illustrates the rating of the hillside resources that can be seen from the project site and the visual access to the hillsides from Broad Street and Orcutt Roads.

TABLE AES-1
Hillside Resource and Visibility Rating
As Seen from Scenic Roadways Adjacent to Project

Scenic Road	Hillside Resource			
	Islay Hill (Major Unit)	Orcutt Knob (Minor Unit)	South Street Hills (Minor Unit)	Santa Lucia Foothills (Major Unit)
Broad Street	Good view of Major resource	Good view of Minor resource	Good view of Minor resource	Good view of Major resource
Orcutt Road	Good view of Major resource	Good view of Minor resource	Good view of Minor resource	Good view of Major resource

Source: Appendix B of the Circulation Element

The following Circulation Element policies address aesthetic resources and are applicable to the proposed project:

CI 14.1 Scenic Resources
Views of important scenic resources from major streets should be preserved and improved to the maximum extent feasible.

CI 14.2 Scenic Roadways
The route segments shown on Figure 6 are designated as scenic roadways.

CI 14.3 Development Along Scenic Roadways
Development along scenic roadways should not block views or detract from the quality of views.

A. Projects in the viewshed of a scenic roadway should be considered as “sensitive” and require architectural review.
B. Development projects should not wall off scenic roadways and block views.
C. As part of the city’s environmental review process, blocking of views along scenic roadways should be considered a significant environmental impact.
D. Signs along scenic roadways should not clutter vistas or views.
E. Streetlights should be low scale and focus light at intersections where it is most needed. Tall light standards should be avoided. Street lighting should be integrated with other street furniture at locations where views are least disturbed. However, safety priorities should remain superior to scenic concerns.

4) City of San Luis Obispo Zoning Regulations

The maximum building height allowed by zoning regulations is 35 feet for the existing and proposed zoning for the project site. Zoning regulations serve, among other things, to encourage compatible form and design of development throughout the community. Appropriate scale of development is defined which supports proportion and balance with adjacent neighborhoods and land use. The Zoning Regulations allow for exceeding the 35-foot height limit under special conditions. The Zoning Regulations state that modifications to the development standards must be necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of environmental impacts.

b. Consistency with City of San Luis Obispo Plans and Policies

Due to the project's scale and proposed tree removal, the project would have an effect on the visibility of hillside resources as seen from City-designated scenic roadways, and would alter the aesthetic character of both the project site and the adjacent community.

The proposed project has been evaluated for consistency with plans and policies that pertain to aesthetic resources. If potential inconsistencies were identified, impacts are discussed in Section V.G.5 below, and mitigation measures have been recommended that reduce or eliminate these inconsistencies.

3. Thresholds of Significance

The significance of potential aesthetic resources impacts are based on thresholds identified within Appendix G of the CEQA Guidelines in conjunction with applicable aesthetics policies, regulations, goals, and guidelines identified within the City General Plan and Community Design Guidelines.

According to Appendix G of the CEQA Guidelines, aesthetic impacts would be considered significant if the proposed project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; and/or,
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The following paragraphs discuss each of these criteria in greater detail within the context of the proposed project site and the applicable City land use plans and policies.

a. Substantial Adverse Effects on Scenic Vistas

The scenic landscape for the proposed project is partially defined in the Circulation Element and includes views of the South Street Hills, Santa Lucia foothills, Islay Hill and Orcutt Knob as a backdrop to the community setting. The degree of potential impact on scenic vistas varies with

factors such as viewing distance, duration, viewer sensitivity, and the visual context of the surrounding area.

City planning documents and regulations do not set a specific threshold regarding the degradation of a scenic vista or hillside resources; however, review of General Plan language indicates that views of the hillsides, slope-faces, and ridgelines are considered a visual resource. As identified in the Land Use Element (2004), one of the reasons that the City establishes comprehensive standards and policies for hillside development is, "to protect and preserve scenic hillside areas and natural features such as the volcanic Morros, ridgelines, plant communities, rock outcroppings, and steep slope areas that function as backdrop for the community."

The Land Use Element, along with several area Specific Plans, defines a "Development Limit Line" for hillside planning areas. One purpose of the Development Limit Line is to avoid encroachment into sensitive habitats and unique resources, including visual resources. This Development Limit Line establishes protection of the upper hillside slopes and is representative of a community-defined boundary of the most visually critical portions of the hillside resources. Although the hillside planning policies located within the General Plan elements address development specifically on hillside parcels, an intrinsic goal of the hillside protection measures is to preserve views from off-site, and from the community at large.

For the purposes of this EIR, substantial adverse impacts to a scenic vista would occur if the proposed project would:

- Significantly degrade the scenic landscape as viewed from public roads (especially City-designated scenic roadways) or from other public areas; or,
- Block views of the hillside above established Development Limit Lines (as defined by hillside planning area policies), and substantially degrade the defining characteristic of the hillside resource. A defining characteristic of a hillside resource may include, but not be limited to: ridgelines, plant communities, rock outcroppings, and steep slope areas that function as backdrops.

b. Substantial Damage to Scenic Resources Within a State Scenic Highway

This CEQA threshold does not apply because the project is not within the view corridor of any eligible or officially designated state scenic highway.

c. Substantial Degradation of the Existing Visual Character or Quality of the Site

In conjunction with the General Plan and Zoning Regulations, the Community Design Guidelines provide a basis for comparing a proposed development to community aesthetic goals. The design review process established by the City of San Luis Obispo and carried out in part by the Architectural Review Commission assesses a project's compliance with the Design Guidelines, applicable City regulations, and the General Plan. Objectives of the Community Design Guidelines are to: A) Keep San Luis Obispo architecturally distinctive; B) Design to create and maintain pedestrian scale wherever possible; and C) Protect natural resources and integrate the natural environment into building and site planning, wherever possible.

A fundamental change in visual character is inevitable with the conversion of vacant land to a mixed-use subdivision. The degree to which that change reflects documented community values and meets neighbors' and other viewers' aesthetic expectations is the basis for determining levels of significance. Visual contrast may be used as a measure of the potential impact the project may have on the visual quality of the site. Project components that are inconsistent with the neighborhood setting could result in a significant change in the composition of community character.

Significant impacts to the existing visual character or quality of the site would occur if the proposed project:

- Would alter the area in a way that significantly detracted from or degraded the visual quality of the site and its surroundings for sensitive viewers in the area;
- Were inconsistent with community policies regarding visual character; or
- Would attract attention and dominate the neighborhood context of the site.

d. Adverse Effects of Substantial Light or Glare

The proposed project would result in a significant impact if it subjected adjacent residents to a substantial amount of point-source lighting visibility at night, or if the collective illumination of the project resulted in a noticeable spill-over effect into the nighttime sky, increasing the ambient light over the region. The placement of lighting, source of illumination, and fixture types combined with viewer locations, adjacent reflective elements, atmospheric conditions can affect the degree of change to nighttime views. The degree of impact caused by night lighting would consider the type of lighting proposed by the project along with the lighting reasonably expected to be generated by the future residential and commercial occupants.

4. Impact Assessment and Methodology

Locations of critical structures were identified based on site plan information and architectural elevations provided by the applicants. These critical project features were surveyed and staked in the field and corresponding horizontal and vertical location data was measured. Reference pylons were then positioned at each critical point. Each pylon was equipped with two marking flags affixed at known heights above existing grade. These pylon flags were used as a visual scale reference for establishing structure heights and locations and for determining overall project visibility.

Mitigation criteria regarding building heights and setbacks was determined and verified by direct visibility of the reference pylons relative to the specific hillside scenic resource. Additional reference pylons were re-positioned and viewed from scenic roadways and other public areas as needed to confirm sight-line and hillside view protection criteria and the effectiveness of proposed mitigation measures.

a. Project Visibility

The project site was viewed from the surrounding community to determine the extent of potential visibility from neighborhoods and public roadways. Visibility of the reference pylons showed that the project would have the potential to be seen mainly from areas along Broad Street, Orcutt

Road, Laurel Lane, Bullock Lane, Rockview Place, Sacramento Drive and the Union Pacific Railroad tracks. Once the overall visibility of the project was established, further field studies were conducted to identify representative viewpoints for further analysis. Seven representative viewpoints, or "Key Viewing Areas" (KVAs) were selected which would best illustrate the visual changes proposed by the project as experienced by the community. Selection of the Key Viewing Areas was based in part on criteria recommended by the Federal Highway Administration visual impact assessment methodology. Viewpoints were selected that would either show 1) typical views showing the general character change resulting from the project; 2) project features of special visual interest; or 3) views representing a particularly sensitive viewer group. The Key Viewing Areas were specifically chosen based on their position relative to Scenic Resources, anticipated viewer sensitivity, view access to the project site, and viewing duration. The Key Viewing Areas and corresponding photo-simulations are listed in Table AES-2. Overall visibility from public roads and Key Viewing Areas is shown in Figure AES-1.

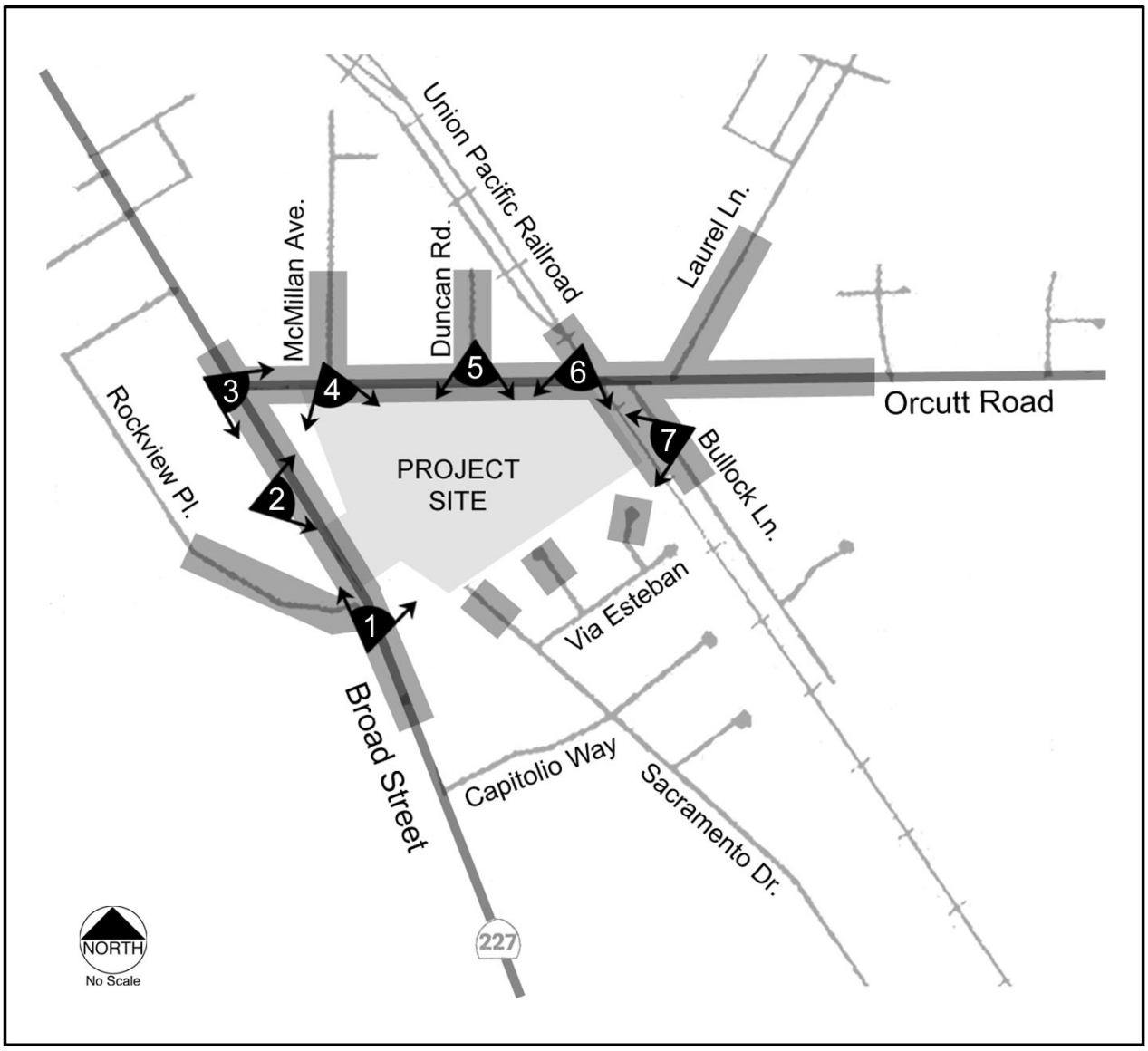
TABLE AES-2
Key Viewing Areas

KVA	Location	Figure
1	From Broad Street looking northbound, approximately 1000 feet south of Orcutt Road.	AES-2
2	From Broad Street looking northbound, approximately 600 feet south of Orcutt Road.	AES-3
3	From the intersection of Broad Street and Orcutt Road.	AES-4
4	From Orcutt Road looking south, approximately 500 feet east of Broad Street.	AES-5
5	From Orcutt Road looking south, approximately 1000 feet east of Broad Street.	AES-6
6	From Orcutt Road at the Union Pacific Railroad crossing.	AES-7
7	From the Union Pacific Railroad tracks, 200 feet south of Orcutt Road.	AES-8

b. Photo-Simulations

Much of the community would experience the project as a dynamic series of views rather than as a static viewpoint. From along Broad Street, Orcutt Road, and other streets, the viewing perspective of the project will continually change relative to the surroundings. As a result, photo-simulations and related Key Viewing Areas cannot represent the total viewing experience the public now has, nor would have upon project completion. It is important to note that although photo-simulations provide representative views of the project and disclose its potential affects, the Aesthetic Resources section of this EIR considers all views, both static and dynamic. The EIR analyzes a broader range of conditions and is not limited to the still images represented by the seven photo-simulations.

Photographs were taken from the KVAs, and photo-simulations were prepared illustrating the general massing and locations of the project as proposed (refer to Figures AES-2 through AES-8). Visibility of reference pylons and existing on-site features were used to increase accuracy of the photo-studies. Preliminary building elevations and plans provided by the project applicants were used as the basis for estimating the size, form and locations of the structures. Project plans were used to identify existing trees proposed for removal.



Source: Robert Carr

KEY VIEWING AREA LOCATIONS
FIGURE AES-1

The photo-simulations are intended to be used as a tool for understanding and disclosing the scale, massing, and basic form of the many structures associated with the project. These photo-simulations are not intended as artistic renderings, and specific details of the proposed structures as well as other site amenities are intentionally obscured, or "grayed-out" in the simulations. The information provided in the photo-simulations allows an accurate assessment of the project's visual relationship to its setting, the surrounding neighborhoods, and identified scenic resources. In addition to the massing studies provided by the photo-simulations, aesthetic character issues are further assessed by review of the project architectural elevations, site plans, landscape plans, grading plans, and project description text.

The photo-simulations also include any substantial tree removal proposed by the project. Changes in large-scale vegetation combined with new structure profiles provides important information regarding the project's potential effect on aesthetic resources.

Proposed landscaping, roadways and all other defined site amenities are considered in the visual analysis, based on detailed study of the project plans. In order to best understand the possible effect the proposed building structures would have on the setting and on scenic resources, the proposed landscaping, site amenities and roads are not shown as part of the simulations.

Photographic images and simulations are a valuable tool for understanding and disclosing the estimated visual effect of the proposed project. It should be noted that photographs do not represent the same level of visual acuity and sensitivity to detail as the human eye. As a result, photo-simulations tend to understate the anticipated perception of impacts.

5. Project-Specific Impacts and Mitigation Measures

The following impact analysis is organized according to the applicable aesthetic resources thresholds identified in Appendix G of the CEQA Guidelines, as discussed above.

a. Substantial Effects on Scenic Vistas

City of San Luis Obispo planning policy designates Broad Street and Orcutt Road as Scenic Roadways, and defines views of the South Street Hills, the Santa Lucia Foothills, Islay Hill and Orcutt Knob as primary contributors to these scenic designations. City policies require preservation of hill and mountain resource views from City-designated Scenic Roadways.

The quality of hillside views from the designated Scenic Roadways varies relative to factors such as viewpoint elevation, locations of resource relative to the primary viewing direction, intervening development and vegetation, viewing distance and duration, and other conditions. The quality and quantity of views to hillside resources from Scenic Roadways is defined as follows:

1) Views from Broad Street Scenic Roadway

For representative views from Broad Street, refer to Figures AES-2, AES-3, and AES-4.

From viewpoints along northbound Broad Street, the "Loft" buildings associated with the Creekstön project component would partially block a small portion of the lower Santa Lucia

foothills to the north and northeast; however, this view blockage would not be much more than is currently blocked by the existing stand of eucalyptus and other trees on site. The majority of the existing view of the Santa Lucia foothills will not be blocked and the visual qualities of the hillside resource would remain intact as seen from Broad Street. The loss of mature trees and addition of large buildings would have an affect on the fundamental character of the mid-ground view.

The lower portion of Islay Hill and the majority of Orcutt Knob are already substantially screened from southbound Broad Street views by tall trees on-site and along the roadside, and by existing development. The proposed removal of the eucalyptus trees along Sydney Creek would slightly increase views to these hillside resources, however the construction of the "Loft" buildings would still block the lower portions of these hills, primarily Orcutt Knob. Substituting the view blockage currently caused by vegetation with view blockage by the proposed tall structures would alter the character of the mid-ground view. The existing scenic value to Broad Street provided by Islay Hill and the Orcutt Knob would not be substantially affected.

As seen from Broad Street, views to the South Street Hills would not be affected by the proposed project.

2) Views from Orcutt Road Scenic Roadway

For representative views from Orcutt Road, refer to Figures AES-5, AES-6, and AES-7.

Currently, unhindered views to the upper portion of the South Street Hills are available from westbound Orcutt Road. The quality of the view varies as the viewer proceeds west along Orcutt. The overall hillside context is greater and more noticeable from viewpoints farther to the east in the vicinity of Laurel Lane and the railroad crossing. Moving west, views to the hills from mid-way along the project frontage in the general vicinity of Duncan Road begin to be more influenced by the existing intervening development and roadside vegetation. The upper slopes of the hills and the ridgeline still are dominant visual features, but their noticeability is somewhat modified by the mid-ground elements.

Along the entire travel route along westbound Orcutt Road (despite that development can be seen in the mid-ground), the upper portions of the South Street Hills above the Development Limit Line (as defined in the South Street Hills Specific Plan) remain visible as open space, with the only blockage occurring from vegetation and skyline trees.

Based on direct visibility of reference pylons and sight-line analysis, structures west of the proposed Sacramento Drive extension exceeding 30 feet in height and located within 100 feet of Orcutt Road would substantially block views of the South Street Hills. In addition, structures taller than 35 feet in height located west of Sacramento Drive and within 150 feet of Orcutt Road would substantially block views of the South Street Hills.

The specific type of view blockage varies with the viewing location on Orcutt Road. From Orcutt Road in the vicinity of Duncan Road, the buildings proposed with the Tumbling Waters component west of the future Sacramento Drive extension would block approximately seventy percent of the South Street Hills including the hilltop ridgeline. Closer to McMillan Lane, the

height of the Tumbling Waters structures would have less of an effect on hillside visibility, but the structures fronting Orcutt Road as part of the Creekstön component would block views. From this segment along Orcutt Road near McMillan Lane, view blockage of the South Street Hills would vary from approximately twenty to forty percent depending on the exact viewpoint. This blockage would include ridgeline views. In total, existing views to the slopes above the South Street Hills Development Limit Line would be blocked along approximately forty percent of westbound Orcutt Road fronting the project. From along this "blocked" viewing area, visibility of the defining character elements of the South Street Hills, such as the slopes and the ridgeline would be substantially reduced. As a result, the fundamental aesthetic value of the hills would not be apparent to viewers along this section of Orcutt Road.

From eastbound Orcutt Road, existing views to Islay Hill and Orcutt Knob are mostly obscured by the intervening skyline trees in the mid-ground view. From certain points on Orcutt Road along the middle and eastern sections of the project frontage, the upper portions of these hills can be seen. In general the viewing distance to these hills and the viewing angle to the south generally reduces their visual dominance as seen from Orcutt Road. As seen from eastbound Orcutt Road, the buildings fronting Orcutt Road would completely block the existing limited views of these distant hills.

As seen from Orcutt Road, views to the Santa Lucia foothills would not be affected by the project.

AES Impact 1 **Construction of specific buildings adjacent to Orcutt Road would effectively "wall-off" views of the South Street Hills from a City-designated Scenic Roadway resulting in a direct, long-term impact.**

AES/mm-1 Prior to issuance of grading permits for the Tumbling Waters and Creekstön developments, all project grading and building plans shall be revised to show that all structures west of the proposed Sacramento Drive Extension conform to the following:

a. Structures within 100 feet of the edge of the future alignment of Orcutt Road shall be a maximum of 30 feet in height.
b. Structures within 150 feet of the edge of the future alignment of Orcutt Road shall be a maximum of 35 feet in height.

Residual Impact By reducing the heights of structures along Orcutt Road west of the Sacramento Drive extension, views of the ridgeline and uppermost slopes of the South Street Hills would be preserved. Although some of the hillside above the Development Limit Line will be blocked, enough of the hillside would remain such that the hills would maintain their fundamental aesthetic value. With implementation of mitigation, impacts associated with the blocking of hillside views along Orcutt Road would be considered *less than significant with mitigation, Class II.*

3) Views from Union Pacific Rail Road and Bullock Lane

For representative views from the Union Pacific Railroad and Bullock Lane, refer to Figure AES-8. Views of the South Street Hills would be blocked from viewpoints adjacent to a portion of the Tumbling Waters component along the Union Pacific Rail Road line and along Bullock Lane.

Duration of view blockage from these locations is expected to be brief but may preclude as much as seventy percent of the existing hillside view, including the ridgeline. The noticeability of the hills may be less for viewers on Bullock Lane because the hillside views are outside of the drivers' primary viewing direction. Railroad viewers may have an increased awareness of the landscape because of the potential for sight-seeing recreation common on passenger trains.

AES Impact 2 **Development of the Tumbling Waters component would block views of the South Street Hills from viewpoints along the UPRR line and along Bullock Lane, resulting in less than significant impacts.**

No mitigation measures are necessary.

Residual Impact Because of the location of views outside of the primary cone of vision, the short viewing duration, and the relatively small number of viewers from these locations, impacts to views from the UPRR and Bullock Lane would be *less than significant, Class III.*

b. Substantial Damage to Scenic Resources Within a State Scenic Highway

This CEQA threshold does not apply because the project is not within the view corridor of any eligible or officially designated state scenic highway.

c. Substantial Degradation of the Existing Visual Character or Quality of the Site

The Tumbling Waters and Creekstön project components propose the construction of approximately 75 buildings, with the majority ranging from 37 feet to approximately 45 feet tall. The height of most of these structures would be taller than every existing building in the project vicinity and within this area of the city. Structures taller than 35 feet would exceed the maximum height currently allowed by the zoning regulations, and may contribute to the project appearing visually out of scale with the surroundings.

The large number of tall buildings, constructed at the high density-level proposed, would intensify the out-of-scale effect. In spite of the proposed landscaping and architecture, the aggregate effect of seeing so many closely spaced, over-sized structures would result in the proposed project inherently appearing more massive than any other residential, commercial, or industrial development in the area. This effect would not lend itself to a comfortable or appealing visual experience from the pedestrian perspective.

Community aesthetic goals for proposed project are expressed to a great extent through the City Architectural Review Commission and Planning Commission review processes. The *San Luis Obispo Community Design Guidelines* consider several criteria in assessing a project's

consistency with community aesthetic planning and design goals. Included in the assessment criteria are the following community character values:

- Keep San Luis Obispo architecturally distinctive; don't let it become "anywhere USA".
- Design to create and maintain pedestrian scale wherever appropriate.
- Protect natural resources and integrate the natural environment into building and site planning, where appropriate.

The General Plan Land Use Element provides guidance regarding community character priorities such as protecting public views of the surrounding hills and mountains, and "developing buildings and places that compliment the natural landscape and the fabric of neighborhoods". Land Use Element policies also require that residential developments shall respect site constraints including "significant trees" and other features.

The majority of proposed project structures would exceed the 35-foot maximum height criteria identified in the Zoning Regulations. The Tumbling Waters project component proposes structures ranging from of 34 feet 6 inches to 44 feet 0 inches in height. The two "Loft" residential buildings of the Creekstön component are proposed at a height of 57 feet. Most other Creekstön structures would be 37 feet tall. Structures exceeding 35 feet in height may contribute to a viewer perception that the project is out of scale with the community.

Viewer sensitivity to the project is expected to be somewhat high, based on the history of public concern regarding projects having the potential to change community character. In spite of that concern, it is anticipated that many viewers will consider the fundamental visual change from vacant land to a high-density mixed-use project as a reasonable product of community growth; however, the extent of visual impacts associated with the proposed change regarding community character will depend mostly on how well the project implements the principles put forth in the Community Design Guidelines. Adherence to the Guidelines' goals for design quality and character would effectively minimize potential adverse visual character impacts to the site and the surrounding neighborhoods. Consistency with the Community Guidelines would ensure that the changes proposed by the project are in keeping with the community character goals of maintaining the City's aesthetic image, emphasis on pedestrian oriented buildings and site planning, and integration of development with natural resources, such as hillside views.

The proposed project would have considerable influence on the visual character of the southern portion of the City of San Luis Obispo. If the project disregards the values of the Community Design Guidelines, or substantially compromises the Guidelines' critical design principles, the project has the potential to greatly reduce the visual quality and character of the area, as well as set an unfavorable precedent for future design development throughout the community. The high density and size of the project significantly increases the potential of it appearing out of scale and excessively noticeable relative to the surroundings. In addition, public perception and related visual effects of individual project features would be amplified by the number of buildings and by the overall size of the development.

AES Impact 3 **Without strict adherence to the San Luis Obispo Community Design Guidelines, the proposed project would substantially degrade the existing visual character of the site and its surroundings.**

AES/mm-2 Prior to issuance of grading permits for the Tumbling Waters and Creekstön developments, the Architectural Review Commission, in consultation with City staff and other reviewing authorities, shall require that the project adhere to the Community Design Guidelines. The Architectural Review Commission, City staff, and other reviewing authorities shall not approve the project unless the following specific findings can be made:

a. The project maintains a high quality of craftsmanship in development through use of authentic building styles, design elements, and materials.
b. The project buildings are clustered to achieve a "village" scale. The various buildings are designed to create a visual and functional relationship with one another.
c. The project buildings provide a sense of human scale. The project buildings incorporate significant wall and roof articulation to reduce apparent scale. Roofs are multi-planed to avoid large, monotonous expanses. Horizontal and vertical wall articulation are expressed through the use of elements such as wall offsets, recessed windows and entries, awnings, and second floor setbacks.
d. The project buildings incorporate setbacks at the ground floor level and/ or upper levels (stepped-down) along street frontages such that they do not visually dominate the adjacent neighborhood.
e. The project buildings' elements are in proportion. Building designs demonstrate continuity, harmony, simplicity, rhythm, and balance and are in proportion to one another.
f. The project's internal streets are designed as if they were pleasing public streets, with comprehensive streetscapes including sidewalks, and planting strips between curb and sidewalk with canopy trees.
g. The project landscaping is planned as an integral part of the overall design and not simply located in "left over" areas. Landscaping is used to help define outdoor spaces, soften the project structures' appearance, and to screen parking, loading, storage, and equipment areas
h. Where visual screening at ground level is required (for those portions of the development visible from Broad Street and Orcutt Road), the project utilizes a combination of elements as appropriate, such as walls, berms, and landscaping.
i. The project maintains views of the South Street Hills and the Santa Lucia Foothills to the greatest extent possible.

Residual Impact With implementation of mitigation, impacts associated with the degradation of existing visual character of the site and its surroundings would be considered *less than significant with mitigation, Class II.*

The "Loft" residential structures proposed as part of the Creekstön component would be 57 feet in height. These buildings would rise above all surrounding structures (existing and proposed), and would be highly noticeable from the surrounding roadways and neighborhoods. Structures of this height would be grossly out of scale with the setting and surrounding development and would be inconsistent with the Creekstön stated project objective of "creating a pedestrian scale community with a village atmosphere".

AES Impact 4 **The height of the "Loft" residential structures proposed as part of the Creekstön project component would be out-of-scale with the rest of the project, the setting, and inconsistent with the pedestrian viewing experience, resulting in a direct, long-term impact.**

AES/mm-3 Prior to issuance of building permits for the Creekstön development, all project grading and building plans shall be revised to show the height of the Loft buildings not exceeding 45 feet above average natural grade.

AES/mm-4 Prior to issuance of grading permits for the Creekstön development, the applicant shall revise all site and landscape plans to include a minimum 20 foot planting area along the west side of the Loft residential buildings. Tall growing evergreen trees shall be densely planted in this area. Prior to issuance of grading permits, the applicant shall enter into an agreement with the City to install required landscaping and water-conserving irrigation systems and maintain landscaping for the life of the project. The applicant shall also submit a final landscaping and water-conserving irrigation plan to the Community Development Director for review and approval. Prior to occupancy clearance, landscaping and irrigation shall be installed.

Residual Impact With implementation of mitigation, impacts associated with the out-of scale and highly visible Loft structures would be considered *less than significant with mitigation, Class II.*

The Tumbling Waters project component would cause a significant change in visual character for the site and the surrounding community. The height and density of the proposed structures would present a challenge in terms of blending the project with the community. The perimeter of tall buildings lined up facing Orcutt Road and the railroad tracks would appear as an abrupt contrast to the setting. Proposed landscaping and berming along the north side of the development would provide some visual transition to the project; however, this planting area as shown on the Landscape Development Plan is insufficient in width to provide for adequate screening and blending. In addition, this planting area is located within the City right-of-way along Orcutt Road near the railroad tracks, which may be utilized in the future for a new railroad-crossing configuration. To ensure long-term benefit in achieving its landscaping and screening goals, the Tumbling Waters component should not rely on planting or berming within the City right-of-way.

AES Impact 5 **The proposed landscape area along the north side of the Tumbling Waters component is located within City-owned right-of-way and is insufficient in reducing the urban appearance of the project and blending it with the community, resulting in a direct, long-term impact.**

AES/mm-5 Prior to issuance of grading permits for the Tumbling Waters development, the Architectural Review Commission, in consultation with City staff and other reviewing authorities, shall require that the project adhere to the Community Design Guidelines. The Architectural Review Commission, City staff, and other reviewing authorities shall not approve the project unless the following specific findings can be made:

a. Sufficient landscaped buffer area (minimum of 20-feet) shall be located on the northern boundary of the project site, outside of City-owned right-of-way; and
b. Within the minimum landscape buffer area, planting density and species height shall be increased so that after five years a minimum of 80 percent of the development is not visible from Orcutt Road.

Residual Impact With implementation of mitigation, impacts associated with insufficient landscape screening would be considered *less than significant with mitigation, Class II.*

The project would introduce a significant number of diverse visual elements onto the site. Signage, fencing, light poles, roadway striping, automobiles, and a variety of built elements would increase the visual clutter associated with the development and would add to the urbanized appearance. Existing overhead utility poles along Orcutt Road would contribute to the visual clutter and would detract from the project goals of providing a visually pleasing development.

AES Impact 6 **Visibility of existing overhead utilities along Orcutt Road would add to the visual clutter of the project and would increase the urban visual character of the site as seen from a City-designated scenic roadway resulting in a direct, long-term impact.**

AES/mm-6 Prior to issuance of building permits for the Tumbling Waters and Creekstön developments, the applicants shall submit utility relocation plans showing the undergrounding of all existing overhead utilities along the south side of Orcutt Road.

Residual Impact With implementation of mitigation, impacts associated with visibility of overhead utilities along Orcutt Road would be considered *less than significant with mitigation, Class II.*

The existing grove of eucalyptus trees along Sydney Creek is a significant grouping of trees within the site and as seen from the adjacent neighborhoods. The eucalyptus trees provide visual continuity as well as a vegetative skyline profile for the community. The trees provide a canopy and spatial quality capable of visually "breaking-up" the project into smaller, more village-like pedestrian-scale areas. From certain viewing areas the removal of these trees would increase views to the hills, however views of high-density development would also increase, diminishing the overall quality of the scene. The removal of the eucalyptus grove would significantly increase the noticeability of the tall "Loft" residential structures proposed as part of the Creekstön project component. As seen from the west, if left in place the eucalyptus would provide value as a visual backdrop to the Lofts, helping mitigate the visual scale of the structures. As seen from the east, the trees would directly screen views the structures.

AES Impact 7 **Removal of the eucalyptus trees along Sydney Creek would adversely affect the vegetative character of the site and the surrounding neighborhood, would increase noticeability of existing and proposed project, and would decrease spatial qualities desirable for creating a village-like, pedestrian-scale development resulting in a direct, long-term impact.**

AES/mm-7 Prior to issuance of building permits for the Creekstön development, the applicant shall revise all site and landscape plans to include the preservation and protection of the existing eucalyptus trees along Sydney Creek to the greatest extent feasible. If tree removal is unavoidable, the Revegetation and Restoration Plan (identified within the Biological Resource Section of the EIR) shall identify all native and non-native trees to be retained and all native and non-native trees to be removed by location, size, and species. The Plan shall not allow removal of any tree taller than 40 feet, and shall not allow removal of more than 15 percent of the total number of trees along the creeks within the development. The Plan shall be field verified by a Certified Arborist and shall be reviewed and approved by the City Natural Resources Manager.

Residual Impact With implementation of mitigation, impacts associated with the removal of the significant eucalyptus tree grouping along Sydney Creek would be considered *less than significant with mitigation, Class II.*

d. Substantial Effects of Substantial Light or Glare

The project would introduce a substantial amount of new light sources and glare onto the site. The high density of development, combined with the proposed structure heights (which exceed current zoning regulations) would cause a significant change in the nighttime view. Streetlights, residential interior and exterior lights, public area lights, and business parking and security lights would add to the visibility. Atmospheric conditions such as fog, typical in the early summer months would increase the ambient "glow" of the project as seen from the surrounding community.

AES Impact 8 **Visibility of proposed light sources would substantially increase nighttime glare and light spillover as seen from City-designated scenic roadways and residential areas resulting in a direct, long-term impact.**

AES/mm-8 Prior to issuance of building permits for the Tumbling Waters and Creekstön developments, the applicants shall submit exterior lighting plans in conformance with the *San Luis Obispo Community Design Guidelines, Chapter 6.1C, Lighting.* In addition, plans shall include the following:

a. The point source of all private road street lighting, business and parking lot lighting, public area lighting, and residential exterior lighting shielded from off-site views.
b. Light trespass from streetlights minimized by directing light downward and utilizing cut-off fixtures or shields.
c. Illumination from streetlights, parking area lights, and public area lights at the lowest level allowed by public safety standards.

Residual Impact With implementation of mitigation, impacts associated with the potential visibility of new light sources and glare would be considered *less than significant with mitigation, Class II.*

6. Cumulative Impacts

The discussion of cumulative impacts relates to the potential for this proposed project to contribute to an aggregate change in visual quality of the area. The Broad Street/Highway 227 corridor has undergone a degree of visual change within the last several years with new residential and commercial development. These changes have resulted in an increased built-character through the corridor.

The Environmental Impact Report for the Land Use Element and Circulation Elements acknowledges that the visual character of the southern portion of San Luis Obispo is expected to change over the next several years. As development occurs in the Margarita area, the Orcutt Area, and the Airport Area, community character will inevitably become more urban. Over time, the visual transition of the city will affect the baseline setting in which this project is viewed. The project will likely appear as an expected element within this more developed, urbanized aesthetic framework.

Until the time that substantial development occurs in the Margarita, Orcutt, and Airport Areas, the visibility of this project has the potential to be the primary contributor to visual character change and urbanization in the southern part of the city.

AES Impact 9 **The visibility of the proposed project combined with the continuing development of along the Broad Street corridor and the southern portion of the City would cause an increasing reduction in hillside resource views and urbanization along City-designated scenic roadways resulting in a direct, long-term impact.**

Implement mitigation measures AES/mm-1 through AES/mm-8.

Residual Impact With implementation of mitigation, impacts associated with the cumulative reduction in hillside views and increased urbanization along City-designated scenic roadways would be considered *less than significant with mitigation, Class II.*

7. Secondary Impacts

Implementation of the mitigation measures recommended in Section V.D. (Noise) of this EIR would require the installation of physical sound barriers along the project boundaries in order to mitigate for outdoor activity area noise impacts. The installation of noise barriers would substantially degrade the existing visual character of the site and its surroundings, and would increase the urban visual character of the site as seen from a City-designated scenic roadway, resulting in secondary aesthetic impacts.

AES Impact 10 **The installation of physical sound barriers, as recommended by NS/mm-2, would substantially degrade the existing visual character and increase the urban visual character of the project resulting in a direct, long-term impact.**

AES/mm-9 Prior to issuance of building permits for the Tumbling Waters and Creekstön components, project grading and building plans shall be revised to show the following:

All proposed physical sound barriers shall be in tones compatible with surrounding terrain or buildings. ~~using textured materials or construction methods that create a textured effect.~~ Sound barriers shall be screened with native vegetation (including trees, shrubs, and vines) to ensure a minimum of 80 percent screening after five years.

Residual Impact With implementation of mitigation, secondary impacts associated with EIR mitigation measure NS/mm-2 would be considered *less than significant with mitigation, Class II.*

8. Mitigation and Monitoring Summary

Chapter VIII, Mitigation Monitoring and Reporting Plan, summarizes the mitigation measures and monitoring requirements for this resource.

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H. ISSUES EVALUATED WITH INSIGNIFICANT IMPACTS (INSIG)

An Initial Study was prepared for the proposed project in March 2004. This section of the EIR discusses those issues that were addressed within the Initial Study and were determined not to be significant. A brief description of these issues, including Agricultural Resources, Energy and Mineral Resources, Land Use and Planning, Population and Housing, and Public Services is included along with reasoning from the Initial Study of why impacts were deemed less than significant. A qualitative analysis of Geology and Hydrology, Cultural Resources, and Recreation is also included, per direction from the City of San Luis Obispo.

1. Geology and Hydrology

a. Existing Conditions

1) Geology

Two site-specific soil investigations were performed for the project site. Earth Systems Pacific Engineering performed an investigation for the Tumbling Waters component of the project in October 2004, and GSI Soils Inc. conducted an investigation of the Creekstön component of the project in December 2004. These two reports were used to gather geotechnical and soils information presented in this section of the EIR.

The project site is located in the northeastern portion of the San Luis Valley. San Luis Valley is bound by the Santa Lucia Range to the northeast and the San Luis Range to the southwest. Locally occurring serpentine ridges can be found within these two ranges. San Luis Valley extends from the convergence of Brizzalari, Stenner, and San Luis Obispo Creeks to the northwest, and Pismo Creek to the southwest. According to the soils engineering reports prepared by Earth Systems Pacific and GSI Soils Inc., the project site is predominately underlain by alluvium, with thickness ranging from 7 to 21 feet on the Tumbling Waters component and 14 to 15 feet deep on the Creekstön component of the project site. Bedrock consisting of serpentine and meta-volcanic rocks of the Franciscan mé lange underlies the alluvium deposits. The project site is relatively flat with no significant slopes on or immediately adjacent to the project site. Groundwater is generally encountered at depths of 10 to 15 feet. The project site is currently vegetated with native grassland, exotic weeds, wildflowers, and several tree species in the riparian corridors, suggesting that the surface soils support healthy native and non-native plant species.

Soils at the project site generally consist of sandy fat clays, sandy lean clays, and clayey sands above bedrock formations of the Franciscan mé lange. Although the site is located within a region that is identified has having high liquefaction potential during ground shaking events, Earth Systems Pacific determined that because the Tumbling Waters component is predominately underlain by clayey soils, the project site has a low liquefaction potential. The Creekstön project component is underlain by similar, clayey soils and is assumed to have the same low liquefaction potential.

The soils on the Tumbling Waters component exhibit expansive properties. In addition, Earth Systems Pacific determined that the Tumbling Waters component has a low potential for seismically induced landslides and settlement. GSI Soils Inc. conducted laboratory tests on near-

surface soil samples and determined that the soils on the Creekstön component are moderately to highly expansive.

The project site is in a region of high seismicity, and has the potential to experience strong ground shaking from regional or local fault systems. According to the California Building Code, the site lies within Seismic Zone 4, the most active zone rated (2001). Several fault zones, some of which are considered to be active by the U.S. Geological Survey (USGS), surround the project site.

The Los Osos fault zone contains four distinct regions, the closest active segment is the Irish Hills region (zoned under the Alquist-Priolo Act), located approximately four miles to the west of the project site. The Hosgri-San Simeon fault system is located approximately 15 miles to the west of the project site and is also considered to be active by the USGS. The San Simeon fault was responsible for the December 22, 2003 magnitude 6.5 earthquake that was centered approximately 40 miles to the north of the project site. The San Andreas Fault zone, located approximately 39 miles to the east of the project site at its closest point, is considered to be the most active fault in the region. The Rinconada fault zone is located approximately 8 miles northeast of the project site. The Rinconada fault historically has produced small to moderately sized earthquakes, and is not considered to be active. Earth Systems Pacific determined that the potential for ground surface rupture at the site is considered to be very low.

2) Hydrology

Two site-specific hydrologic investigations were performed for the project site. Keith Crowe Engineering performed an investigation for the Tumbling Waters component of the project in December 2004, and Triad/Holmes Associates conducted an investigation of the Creekstön component of the project in November 2004. These two reports were used to gather hydrologic information presented in this section of the EIR

The project site is intersected by Alrita-Carla Creek, Bishop Creek, Sydney Creek, and Escorp Drainage; four tributaries of Acacia Creek that merge at the southern portion of the site. Bishop Creek has a healthy riparian corridor characterized by dense willow trees along the top of the creek's banks. Sydney Creek has a degraded corridor, characterized by tall eucalyptus trees. Alrita-Carla Creek and Escorp Drainage are more sparsely vegetated.

Acacia Creek is a direct tributary to San Luis Obispo Creek. San Luis Obispo Creek and its tributaries are identified in the Waterway Management Plan as having significant issues involving reoccurring flood events and bank instability. These problems have been identified as requiring active channel management within the watershed. Management actions for the waterways within the watershed include channel sediment removal, vegetation control, stream restoration and enhancement, repair of existing failing bank protection structures, construction of new bank protection and flood control channel modifications, and most importantly, controlling and regulating stormwater releases from new development to pre-development rates.

The project site is not within the 100-year flood zone, but is within the 500-year flood zone. The majority of the site is within Zone C as shown on the latest Flood Insurance Rate Map (FIRM). FIRM defines zone C as those areas with minimal flooding. There are also several small areas

within the site that are shown to be in Zone B, which is defined as areas between the limits of the 100-year and 500-year flood events, or certain areas subject to 100-year flooding with average depths less than 1-foot.

b. Regulatory Setting

1) Geology

(a) Federal Policies and Regulations

No federal policies or regulations relating to geologic hazards are applicable.

(b) State Policies and Regulations

Regulations applicable to the consideration of geologic, seismic, and soils hazards at the project site include the Alquist-Priolo Study Zone Act and provisions of the Uniform Building Code (UBC). A Special Studies Zone (Alquist-Priolo Act as amended) has not been established at or in the near vicinity of the project site, and procedures and regulations as recommended by the State Geological Survey for investigations conducted in such zones do not specifically apply. However, several identified fault zones have been interpreted as being present at or in the near vicinity of the project site, and investigations consistent with those normally conducted in Special Studies Zones have been conducted at the project site. The results of these investigations are discussed in the Soils Engineering Reports prepared for the project site.

Provisions of the UBC related to the design of structures to resist earthquake shaking are of particular concern for projects in this area because of the potential presence of the Los Osos fault system. Implementation of the 1997 UBC design criteria would address these concerns.

(c) Local Policies and Regulations

The City of San Luis Obispo's Seismic Safety Element (2000) addresses the goals, policies, and programs related to seismic safety.

2) Hydrology

Surface water and groundwater resources and their associated water quality are regulated in California through many different laws, regulations, and ordinances administered by local, state and federal agencies. The City of San Luis Obispo Public Works Department, San Luis Obispo County Flood Control District, California Department of Water Resources, and Central Coast Regional Water Quality Control Board (RWCQB) are the primary agencies responsible for the protection of watersheds, floodplains, and water quality in the project area. These agencies ensure that the hydrologic characteristics of surface water and groundwater are considered, so that the existing identified beneficial uses are not impaired. Similarly, water quality regulations are designed to limit the discharge of pollutants to the environment, maintain surface water and groundwater quality, protect fish and wildlife and their habitats, and protect beneficial uses. This section describes regulation relevant to construction and operational activities for development of the project resulting from the proposed project

(a) Federal and State Policies and Regulations

Federal and State agencies have jurisdiction over specific activities conducted in or connected to drainages, stream channels, wetlands and other water bodies. The federal government supports a policy of minimizing "the destruction, loss or degradation of wetlands" (Executive Order 11990, May 24, 1977). The U.S. Army Corps of Engineers (ACOE) and the U.S. Environmental Protection Agency (EPA) regulate the placement of dredged and fill material into "Waters of the United States", including wetlands, under section 404 of the Clean Water Act (CWA). Un-vegetated stream channels, mud flats and open water such as ponds and lakes are not considered wetlands but do fall under the ACOE and EPA jurisdiction under Section 404 of the CWA as "other waters of the United States." The jurisdictional limits of stream channels and lakes are delineated, in the absence of adjacent wetlands, at the ordinary high-water mark. For all work subject to a 404 permit, project proponents also must obtain from the RWQCB either a certification or a waiver under section 401 of the CWA stating that the project would comply with applicable water quality regulations. In addition to the CWA permits, a Fish and Game 1602 Streambed Alteration Permit may also be required depending on the specific activity.

Since 1990, regulations have increasingly emphasized the control of water pollution from non-point sources, which include stormwater systems and runoff from point-source construction sites and industrial areas. In California, the SWRCB issued a statewide General Permit to regulate runoff from construction sites involving grading and earth moving in areas over one acre. The SWRCB is acting to enforce requirements of the federal Clean Water Act, pursuant to regulations issued by the U.S. EPA for the National Pollutant Discharge Elimination System. This State Order (Water Quality Order 99-08-DWQ) requires construction projects covered under the General Permit to use the "best available technology economically achievable," and the "best conventional pollution control technology." Each construction project subject to the permit is required to have a Storm Water Pollution Prevention Plan (SWPPP) prepared, which identifies likely sources of sediment and pollution and incorporates measures to minimize sediment and pollution in runoff water. These objectives are established based on the designated beneficial uses (e.g., water supply, recreation, and habitat) for a particular surface water or groundwater.

The State Department of Water Resources also is responsible for coordinating flood-fighting activities and is authorized to receive requests from public agencies for assistance during floods. Should flooding occur, these agencies would have policies and regulations with respect to how flooding hazards would need to be handled.

The Federal Emergency Management Agency (FEMA) establishes base flood heights for 100-year and 500-year flood zones.

(b) Local Policies and Regulations

Local jurisdictions that have policies and regulations governing the project site would include the City of San Luis Obispo Public Works Department and the County of San Luis Obispo Flood Control District - Zone 9. The proposed project would have to be consistent with all applicable polices contained in the *San Luis Obispo Creek Waterway Management Plan* and the *Drainage Design Manual for the City of San Luis Obispo.*

3) Consistency with Plans and Policies

The proposed project has been evaluated for consistency with plans and policies that pertain to geology and hydrology. If potential inconsistencies were identified, impacts are discussed in Section V.H.1.d below, and mitigation measures have been recommended that reduce or eliminate these inconsistencies.

c. Thresholds of Significance

1) Geology

Appendix G of the CEQA Guidelines provides the following thresholds for determining the impact significance with respect to Geology and Soils. Geology and Soil impacts would be considered significant if the proposed project would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: fault rupture, seismic ground shaking, seismic ground failure (including liquefaction), seiche, tsunami, landslides or mudflows, subsidence of the land, and expansive soils;
- Result in a substantial erosion or loss of topsoil;
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in landslide, lateral spreading, subsidence, liquefaction, or collapse; or,
- Be located on expansive soils as defined by the Uniform Building Code, creating substantial risks to life or property.

Thresholds for the onset of a significant geologic impact on the environment as a result of earthquake shaking are more difficult to define because, while this hazard involves the potential for significant impacts to people, the likelihood of occurrence of a damaging earthquake on some faults is so low that it may be considered "insignificant" under CEQA. The Los Osos fault is one of these marginal hazards in that, in its most active segment, the likely recurrence of a damaging earthquake on this fault is about once in 2,000 years. The current UBC and the applicable Seismic Safety Elements of the City treat such an earthquake as an "acceptable risk" as are floods that exceed a frequency of occurrence of once in 100 years. Therefore, the threshold of significance for an earthquake on the Los Osos fault in this EIR follows this currently adopted policy.

2) Hydrology

Criteria for evaluating the significance of hydrology and water quality impacts resulting from new development included in CEQA Guidelines Appendix G are directed toward identifying substantial changes in drainage patterns, drainage volumes, or violations of water quality standards. For the proposed project, the best interpretation of these guidelines relates to the potential for directing new development in areas with existing drainage concerns and creation of incrementally significant cumulative impacts to an area such as runoff exceeding downstream capacity or an increase of off-site sedimentation resulting in significant siltation of surface water areas.

As identified in CEQA Appendix G, impacts would be considered significant if development of the proposed project would:

- Potentially degrade surface or groundwater quality below standards established by the Regional Water Quality Control Board;
- Substantially interfere with groundwater recharge;
- Substantially alter the existing drainage pattern of the area such that substantial erosion or siltation occurs;
- Substantially alter the existing drainage pattern or substantially increase the rate or amount of surface runoff in a manner that results in flooding;
- Create or contribute runoff that would exceed the capacity of stormwater drainage systems;
- Substantially add additional sources of polluted runoff to a water body; or,
- Place housing within a 100-year floodplain.

Development adjacent to or near surface waters is subject to specific design and construction conditions in order to ensure the project's stormwater is adequately contained and directed offsite without adversely affecting downstream locations. An impact would occur if the proposed development directed construction to areas with existing drainage concerns without careful consideration of the potential impact of runoff exceeding downstream capacity in the area. Potential impacts have been assessed based on site topography, the proposed project layout and elevations of project components, the erodibility of soils, and the regulatory framework necessary for the project.

With respect to water quality, determining significance is more indirect because there are no specific discharge requirements or standards for stormwater runoff that the project can be compared to at this time. For the purposes of this EIR, the determination of significance was based on a review of typical construction site pollutants usually found on job sites that might contribute disproportionate amounts of polluting materials in runoff. The SWRCB has not attempted to identify numerical limits to be achieved in runoff from construction sites. Instead, the General Order contains narrative restrictions referencing best available technology economically achievable and the best conventional pollution control technology. Thus, the significance of water quality impacts has been judged in terms of conformance with these requirements.

d. Impact Assessment and Methodology

1) Geology

Impact assessment methodologies included review of regional geologic, seismic and soil conditions. Potential impacts were identified based upon known geologic conditions within the project area as well as geologic hazard designations identified in the San Luis Obispo City Seismic Safety Element. Analysis included review of geologic and topographic maps, geo-technical and fault identification studies available, review of site specific geo-technical and soils reports prepared for the proposed project, and other pertinent geologic data.

2) Hydrology

Impact assessment for hydrological issues consisted of review of the individual drainage reports prepared for the Tumbling Waters and Creekstön project components. The City of San Luis Obispo's Waterway Management Plan was reviewed in order to determine if the proposed project was consistent with policies and recommendations found in the Waterway Management Plan, and Drainage Design Manual.

e. Project-Specific Impacts and Mitigation Measures

1) Geology

The project site does not present significant geologic hazard impacts that would require mitigation measures above the recommendations contained in the Geotechnical and Soils reports prepared for the individual Tumbling Waters and Creekstön project components. Site-specific issues such as expansive soils, differential settlement, and liquefaction potential do warrant special building construction techniques as identified in the individual geo-technical/soils reports prepared for the proposed project.

While fault rupture at the project site cannot be totally excluded, the available evidence indicates that the potential is so low that it can be considered less than significant under CEQA. There is also no direct evidence for active faulting on the project site, and the potential for faulting beneath the parcels is so low that it too can be considered less than significant under CEQA. The proposed project would be subject to the requirements of UBC Zone 4 for resistance to seismic shaking, and no additional mitigation measures are considered necessary. These requirements account for the probabilistic effects of the Los Osos Fault.

The foundation soils at the project site are expansive, liquefiable, and portions of the foundation soils are considered to be "soft." Several measures to mitigate the potential for future differential movement related soil expansion have been recommended by the project soils engineer (Earth Systems Pacific 2004, GSI Soils Inc. 2004). Recommendations within the soils report include: over excavating the building pad foundations by at least three feet below the bottom of the footing and re-compacting the building pad with premoistened non-expansive soils to a minimum depth of 24-inches. The soils engineers further recommend that if this method is not used, using post-tensioned slab/foundations placed on top of premoistened foundation soils can mitigate the expansive soils. Different measures have been recommended to mitigate the soft soil conditions existing in portions of the project site. Stripped topsoil, less any debris, may be stockpiled and reused for landscape purposes but not incorporated into engineered fill. The project site is suitable for the proposed development provided the recommendations contained in each of the geo-technical and soils engineering reports are incorporated in to the project plans and specifications.

INSIG Impact 1 There is a very low potential for fault rupture at the project site, resulting in less than significant impacts.

No mitigation measures are necessary.

Residual Impact Geologic impacts from fault rupture at the project site would be *considered less than significant, Class III.*

INSIG Impact 2 There is a very low potential for active faulting beneath the project site, resulting in less than significant impacts.

No mitigation measures are necessary.

Residual Impact Geologic impacts from active faulting beneath the project site would be *considered less than significant, Class III.*

INSIG Impact 3 The project site is located on expansive, soft, and liquefiable soils; building foundations have the potential to be subject to differential settlement.

INSIG/mm-1 Prior to issuance of ~~building~~ grading permits, the applicant shall ~~list on site plans~~ incorporate into the grading plans all recommendations of the Geotechnical and Soil Investigation Report prepared for the project by Earth Systems Pacific, 2004, for the Tumbling Waters component, and GSI Soils Inc. for the Creekstön project component.

Residual Impact Expansive, soft, and liquefiable soil impacts associated with the Four Creeks Rezoning Project would be considered *less than significant with mitigation, Class II.*

2) Hydrology

The proposed project has been designed to mitigate downstream drainage and flooding impacts by developing on-site stormwater retention facilities, which have been incorporated into the project design. Individual drainage reports prepared by Triad/Holmes Associates for the Creekstön project component, and Keith Crowe for the Tumbling Waters component indicate that the proposed project would be able to meet the requirements of the Waterway Management Plan by not increasing downstream flows after project development (refer to Appendix I). The drainage reports have been reviewed and approved by the City of San Luis Obispo.

The strategy selected for the project site to meet the requirements of the Waterway Management Plan includes several on-site retention basins and pipe storage facilities for controlled releases of retained stormwater volumes. Design events of 2-year through 100-year events have been calculated into the design of the proposed project to determine the appropriate onsite retention capacity and ancillary infrastructure associated with controlled release of retained stormwater. The drainage reports prepared for the proposed project indicate that post-development stormwater discharges would be able to meet the pre-development discharge rates. Therefore, as long as each project component can meet and maintain the requirements contained within the Waterway Management Plan, hydrologic impacts associated with downstream flooding as a result of the proposed project are considered mitigated, no further mitigation would be required.

f. Cumulative Impacts

1) Geology

Development of the proposed project in addition to projected future development in the area will alter the landforms in the region and increase the number of people exposed to the geologic hazards. The proposed project would contribute to this condition proportionally. However, potential geologic, seismic, and soils hazards are location-specific to the extent that they may result in significant impacts on the environment, but they are not "cumulative" in the sense normally applied in CEQA documents. Site-specific geologic and construction issues would be addressed as different developments proceed through the permitting processes to mitigate impacts resulting from individual projects. Cumulative impacts related to geologic hazards have not been identified, and additional mitigation measures are not warranted.

2) Hydrology

Hydrologic impacts resulting from development of the proposed project would not be cumulatively considerable. As development occurs in the upper reaches of a watershed, increased runoff volumes can be expected in the lower reaches of the watershed. This dynamic has been realized and accounted for in the City's Waterway Management Plan. Future project within the City limits would be required to meet and adhere to the policies contained in the Waterway Management Plan.

The proposed project has been designed in accordance with the Waterway Management Plan to retain its stormwater runoff for controlled release, thereby not increasing downstream runoff volumes or flooding risks. Cumulative impacts associated with the proposed project are considered insignificant, and mitigation measures are not warranted.

g. Mitigation Monitoring Summary

Chapter VIII, Mitigation Monitoring and Reporting Plan summarizes the mitigation measures and monitoring requirements for this resource.

2. Cultural Resources

The following Cultural Resources section is based on information derived from *Archival Records Search and Phase One Archeological Surface Survey for the Four Creeks Rezoning Project* (Gibson 2004). The purpose of the archaeological surface survey was to determine whether any archaeological/cultural resources were present on the approximately 18 acre project site and, if so, to map their extent based on surface examination and also, on a preliminary level, to determine the nature and significance of any resources discovered. Because of the sensitive nature of cultural resources, detailed cultural resources information is considered confidential. Confidential reports are on file with the City of San Luis Obispo, Community Development Department.

a. Existing Conditions

1) Background

The proposed project site is located within the territory historically occupied by the Obispeñ o Chumash, the northernmost of the Chumashian speaking peoples of California (Kroeber 1953; Gibson 1990; Greenwood 1978). Archaeological evidence has revealed that the ancestors of the Obispeñ o settled in San Luis Obispo County ove r 9,500 years ago (refer to Figure INSIG-1). (Greenwood 1972; Gibson 1979). Following an annual cycle of hunting, fishing, fowling and harvesting, the Chumash peoples adapted to changing environmental and social conditions and grew into a large complex society that persists today. Aboriginal society underwent major changes soon after Spanish contact in A.D. 1769, primarily due to the introduction of epidemic European diseases and the consequent high mortality rate.

Approximately 1000 Chumash were baptized at San Luis Obispo Mission between A.D. 1772 and about 1805. No mission period villages have yet been identified in Chorro or Edna Valleys but some may have been present. One of the hills west of San Luis Obispo was named Lpilhichnuka and translates as "sticky feather, barbed feather (Klar 1977). One village, tilhini, (translated as 'isolated') was reported to be a village near Mission San Luis Obispo (Applegate 1975).

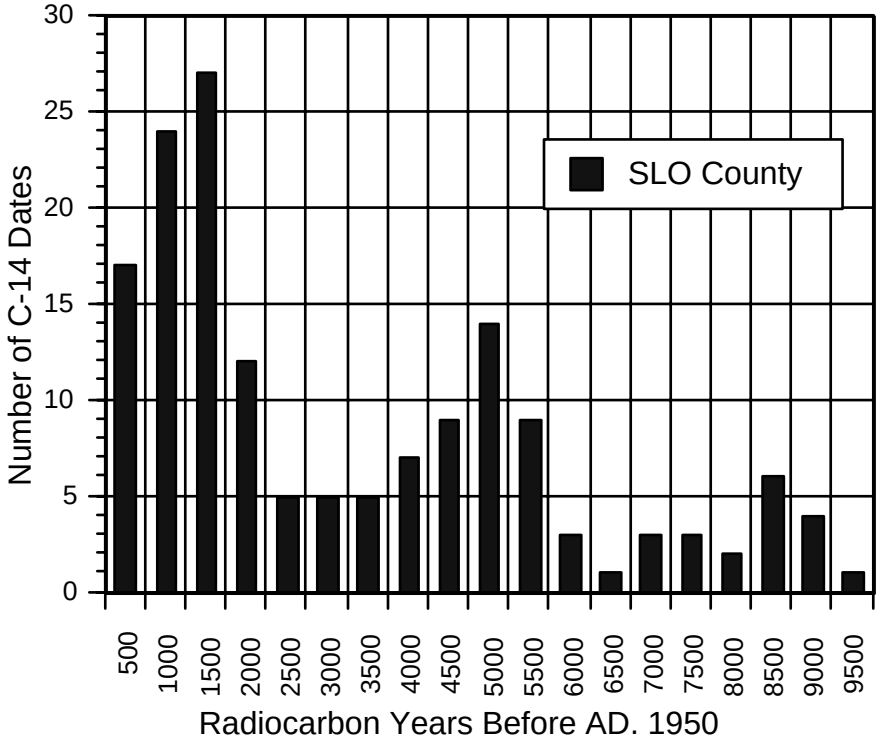

FIGURE INSIG-1
Range of Radiocarbon Dates from Sites in San Luis Obispo County, CA

Archaeological studies continue to contribute to our knowledge of past cultural patterns and add considerably to our store of information on ancient environments and climatic conditions. Data generated by the systematic surface and subsurface testing of archaeological deposits contributes a significant element to the scientific history of California and to the history of San Luis Obispo County.

2) Onsite Conditions

Within the one half mile search area, 14 cultural resource surveys have been conducted since 1975 and three archaeological sites have been recorded. The nearest one is SLO-2002 located just south of Capitola Way, approximately 0.25 mile south of the project site. It would not be affected by any development within the project site.

No historic or prehistoric cultural resources have previously been recorded on the project site. Portions of the site were surveyed in 1994 (7.5 acres included the western portion of Creekstön component and the Broad Street Parcels component)(Gibson 1994) and 1998 (11 acres included portions of the Tumbling Waters component) but no historic or prehistoric archaeological sites were recorded (Gibson 1998).

The raised railroad bed of the Pacific Coast Railway is still evident in some area paralleling Broad Street. Most of the visible bed is located west of the Creekstön component and north of the Broad Street Parcels. This railroad was studied and mapped on current topographic maps in 1992 (Parsons and Gibson 1992; Best 1981; Thompson 1982). The railroad right of way should not be directly affected by the development on Creekstön Component or Broad Street Parcels.

(a) Tumbling Waters Component

The 11.63 acres for the Tumbling Waters project component is bounded by Sydney Creek on the west and Alrita-Carla Creek on the east/southeast. Besides the riparian vegetation and eucalyptus trees, large historic pepper trees line Orcutt Road. The surface area is generally flat with a brown to black clay soil with occasional sub-rounded gravels. A low cover of weeds and grasses with rodent activity allowed for adequate surface visibility on the 11.63 acres.

The northwest portion of this project component contains imported fill soil on an approximately 50 meter by 75 meter area. The fill is from 1 to 3 feet deep and consists of light brown clay with chunks of red brick, modern materials (glass, metal, plastic), and gravels. This soil likely originated from the recent commercial project directly to the west. In addition, some glass fragments, rusted metal fragments, bricks and concrete were noted near Orcutt Street just east of Sydney Creek at the western end of the project area. This area originally contained an older home, visible in the 1965 aerial photographs but no other evidence of foundations or above ground features remains today (Bertrando 1994).

No significant historic or prehistoric cultural materials were noted anywhere on the 11.63 acre site. No springs or other useful lithic resources were noted within the survey area. Portions of this area were included in an 11-acre survey for the Beko project in 1998. No significant historic or prehistoric cultural materials were noted on the property in 1998 (Gibson 1998).

(b) Creekstön Component

This 5.7-acre area is bounded by Bishop Creek to the west and Sydney Creek to the east. Much of the northern portion of this area has been covered recently by imported fill soil. This area was originally surveyed in 1994 for the 7.5-acre Stickler project (Gibson 1994), and no significant historic or prehistoric cultural materials were noted anywhere beneath the fill area at that time. No significant historic or prehistoric cultural materials were noted contained on the 5.7-acre Creekstön site.

(c) Broad Street Parcels Component

The 1.5 acres of three separate properties along Broad Street contain existing structures (residential and commercial uses) that front on the street and have been heavily impacted by structures, several large eucalyptus trees, sheds, cars, and residential landscaping. Modern materials associated with post 1950's residences are common.

The 1.5 acre Broad Street parcels were included in a Historic Records Check conducted in 1994 by Betsy Bertrando as part of the 7.5-acre Stickler Project (Gibson 1994). She reported at that time:

> The 1897 USGS 15' quad map for San Luis Obispo shows no house or structure on the Stickler 7.5 acre project, only the Pacific Coast Railway right-of-way is shown… the 1965 USGS 7.5' quad map for San Luis Obispo shows a row of structures along Broad Street. This was confirmed with an aerial photography taken in1969. It is doubtful that most of these small structures were there during the period the narrow gauge railway was in use (it was abandoned in 1941).
>
> It is the finding of this researcher that the structures along Broad Street were probably not a significant cultural resource following the criteria of definitions in CEQA's Appendix K, Section III. None of the structures were old enough or connected to history or a personage or unusual enough to qualify. No further testing or monitoring in the area of the structures (along Broad Street) will be necessary. Nothing cultural of the narrow gauge railway bed remains and its location has been noted (Bertrando 1994, as referenced in Gibson 1994).

b. Regulatory Setting

1) City of San Luis Obispo General Plan

The City of San Luis Obispo requires protection of archaeological resources to the greatest extent feasible, as contained in the City Land Use Element, Section 6.6 – Community Heritage Policies; applicable sections are as follows:

LU 6.6.4 Archaeological Resources

A. The City shall provide for the protection of both known and potential archaeological resources. To avoid development on important archaeological sites, all available measures, including purchase of fee interest or development rights, shall be explored at the time of a development proposal. Where such measures are not feasible and

development would adversely affect identifies archaeological or paleontological resources, adequate mitigation shall be required.

B. Activities other than development, which could damage or destroy archaeological sites, including off-road vehicle use on or adjacent to known sites or unauthorized collecting of artifacts, shall be prohibited.

C. The City shall establish and maintain archaeological site records about known sites. Specific archaeological site information will be kept confidential to protect the resources. The City will maintain, for public use, generalized maps showing known areas of archaeological sensitivity.

D. Development within an archaeologically sensitive area shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture, prior to a determination of the potential environmental impacts of the project.

E. Where a preliminary site survey finds substantial archaeological resources, before permitting construction, the City shall require a mitigation plan to protect the resources. Possible mitigation measures include: project redesign; covering with a layer of fill; excavation and removal under the direction of a qualified professional; presence of a qualified professional during initial grading or trenching.

F. Where substantial archaeological resources are discovered during construction or other activities, all activities shall cease until a qualified archaeologist knowledgeable in Chumash culture can determine the significance of the resource and recommend alternative mitigation measures.

G. All Native American cultural sites and archaeological sites should be protected as open space whenever possible.

H. All areas proposed for development should be surveyed for significant Native American resources before planning is finalized.

I. Native American participation should be included in the City's guidelines for resource assessment and impact mitigation. Native American monitors should be present during archaeological excavation, and during construction in an area likely to contain cultural resources.

In addition, the following sections of the City General Plan Open Space Element are applicable to the proposed project:

OS 8.1.3 Protection of Archaeological Resources
In areas where it is suspected that archaeological resources may exist, the agency with jurisdiction should require surface surveys, literature searches, and sub-surface testing prior to site development or grading.

2) Consistency with Plans and Policies

The proposed project has been evaluated for consistency with plans and policies that pertain to cultural resources. If potential inconsistencies were identified, impacts are discussed in Section V.H.2.d below, and mitigation measures have been recommended that reduce or eliminate these inconsistencies.

c. Thresholds of Significance

Appendix G of the CEQA Guidelines provides the following thresholds for determining impact significance with respect to cultural resources. Cultural resource impacts would be considered significant if the proposed project would:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Statute §15064.5;
- Cause a substantial adverse change in the significance of a archaeological resource as defined in CEQA Statute §15064.5; or,
- Disturb human remains, including those interred outside of formal cemeteries.

Generally, intact cultural and historic deposits are considered significant. Severely disturbed or mixed deposits often are not considered significant but may have educational value. Human remains and associated goods are afforded special consideration, even when fragmentary, and are considered significant.

d. Impact Assessment and Methodology

The EIR analysis employed two approaches in determining the presence/absence of cultural resources and what effects the proposed project would have on those resources. First, on October 14, 2004, an archival records search for the approximate 18-acre project site and a one half mile area around it was made with the Central Coast Archaeological Information Center located at the University of California, Santa Barbara (on file with the City of San Luis Obispo). The Central Coast Information Center is the official repository and clearinghouse for all archaeological information for San Luis Obispo County. The archival search yielded information on:

- Previously surveyed tracts within or near the project area;
- Intensity of previous survey efforts;
- Previously recorded properties within or near the project area;
- Characteristics of previously recorded properties; and,
- Dates of previous survey and excavation programs, technical reports and authors.

The records search included the inventories for the State Historic Property Data Files, National Register of Historic Places, National Register of Determined Eligible Properties, California Historical Landmarks, California Points of Historic Interest, California Office of Historic Preservation Archaeological Determinations of Eligibility and the Caltrans State and Local Bridge Surveys.

In addition to the archival records search, on November 16, 2004 Robert O. Gibson of Gibson's Archaeological Consulting conducted a Phase I archaeological surface survey. The archaeological surface survey consisted of the archaeologist zig-zagging back and forth in 10 to 15 meter spaced transects examining the surface and creek banks for any signs of prehistoric cultural materials (including seashell fragments, stone tools and fragments, stone flakes, bone, burnt rock, etc.) or significant historic structures or cultural materials (including rock foundations, trash pits, historic shell, square nails, purple glass, etc.).

The impact assessment focuses on identifying potential project-related impacts to cultural resources based on information obtained through the archival records search and the archaeological surface survey.

e. Project-Specific Impacts and Mitigation Measures

The Tumbling Waters, Creekston, and Broad Street Parcels project components did not have any cultural resources identified in the historic records search, archaeological records search, or the Phase I surface survey. Due to the presence of historic vegetation along Broad Street between Sydney Creek and the Escorp Drainage, the original structure adjacent to Broad Street between these creeks has the potential to have subsurface features such as cellars, privies, or other buried materials. If present, these features would likely be older than 50 years, and may be impacted by project construction activities.

The 5.7-acre Creekstön project component did not have any cultural resources identified in the historic records search, archaeological records search, or the Phase I surface survey. Based on this information, rezoning and development of this component would not have an adverse impact on any known prehistoric or historic cultural resources; however grading activities have the potential to disturb unknown prehistoric or historic cultural resources.

The 1.5 acres of three separate properties along Broad Street contain existing structures (residential and commercial uses) that front on the street and have been heavily impacted by structures, large eucalyptus trees, sheds, cars, and residential landscaping. Modern materials associated with post 1950's residences are common. The Broad Street Parcels component was included in a Historic Records Check conducted in 1994 and no significant historic resources were identified. The current structures on the three parcels are not old enough or connected to history or a personage or unusual enough to qualify as significant cultural resources. Although there are no recorded cultural resources onsite, grading activities associated with the future development of these parcels have the potential to unearth unknown cultural resources.

INSIG Impact 4 Earthmoving activities associated with the construction and future development of the project site have the potential to unearth prehistoric and historic resources, resulting in potentially significant impacts to cultural resources.

INSIG/mm-2 Prior to issuance of grading permits, the applicant shall prepare and submit a cultural resources monitoring plan to the City of San Luis Obispo Community Development Director for review and approval. The monitoring plan shall identify the procedure for notification of accidental discovery. The plan shall also identify the proposed communication network so that if any suspected historic cultural materials are unearthed, they can be quickly examined and evaluated by a qualified historic archaeologist and appropriate recommendations made consistent with CEQA and the San Luis Obispo's historic resources guidelines.

INSIG/mm-3 Prior to commencement of initial grading and grubbing, archaeological training shall be conducted for all construction personnel to educate them

about what types of historic cultural materials may be encountered during construction excavation. This training shall be conducted by a qualified archaeologist approved by the City of San Luis Obispo Community Development Director.

INSIG/mm-4 During construction, in the event that buried or isolated prehistoric or historic material is discovered on the property, all activities shall cease in the affected area until the area is surveyed by a qualified archaeologist/historian approved by the City of San Luis Obispo Community Development Director. Under the direction of the archaeologist/historian, a mitigation plan shall be developed and approved by the City. Salvage or mitigation excavations shall be outlined in the mitigation plan, as necessary.

Residual Impact With implementation of the above mitigation measures, cultural resources impacts associated with the proposed project would be considered *less than significant with mitigation, Class II.*

f. Cumulative Impacts

The phase one archaeological surface survey and archival records check of cultural resources on and adjacent to the project site did not identify any known onsite cultural resources; however, construction activities have the potential to unearth unknown subsurface cultural resources. Mitigation measures have been identified to reduce any potentially significant impacts to cultural resources to less than significant levels. Although there may be future projects in the greater San Luis Obispo area that could impact other cultural resources, none have been identified to date that have a direct resource connection to the project site. No cumulative impacts to cultural resources are anticipated.

g. Mitigation Monitoring Summary

Chapter VIII, Mitigation Monitoring and Reporting Plan summarizes the mitigation measures and monitoring requirements for this resource.

3. Recreation

a. Existing Conditions

1) Recreation Facilities

The City of San Luis Obispo offers recreational opportunities to both residents and visitors at nearly 30 parks and recreational facility sites and 14 open space and nature preserve areas throughout the City. Over 500 acres of parkland and nearly 70,000 square feet of recreational facilities exist in the City. Many of these parks and facilities were acquired and developed in the 1960's and 1970's; more recent efforts have focused on maintaining and improving existing parks and recreational facilities.

Several recreational amenities exist or are proposed within close proximity to the project site including the Daemon-Garcia Sports Fields, Islay Park, Sinsheimer Park, and new park facilities proposed with the Orcutt Area Specific Plan. These facilities offer opportunities for a variety of

recreational activities including running, biking, baseball, softball, soccer, tennis, swimming, Frisbee golf, and others.

2) Bicycle Facilities

In addition to park facilities, various bicycle facilities service the areas surrounding the project site. Bicycle facilities can be classified into three different categories. Class I bicycle paths are separate from public road lanes and are usually designated specifically for non-vehicular traffic only. The Railroad Recreation Trail that runs along the eastern edge of the UPRR right-of-way from Orcutt Road to Bushnell is a Class I bicycle path located near the project site. Class II bicycle lanes are located within a public roadway, separated by a striped line on the outside right edge of the pavement. Class II bike lanes in the project area are located in both directions along Broad Street, and along the westbound lane of Orcutt Road. Class III bicycle routes include those routes that may be frequented by bicycle traffic, however, there is no specified bike lane and bicyclists often are forced to ride along the shoulders of public roads. A Class III bicycle route runs along the narrow shoulder of the eastbound lane of Orcutt Road.

b. Regulatory Setting

1) Open Space Element

The Open Space Element addresses the goals, policies, and programs for parks and associated recreational open space in the City. The General Plan Digest of the Open Space Element (City of San Luis Obispo 2002) lists goals that serve to:

- Preserve and enhance existing community recreation (OS 12.1.1)
- Create an integrated trail system that connects City open space lands to other public or private lands (OS 12.1.2)
- Provide recreational uses that are consistent with a site's environmental features and character (OS 12.1.3)
- Provide multiple uses on open space lands (OS 12.1.4)

Open Space policies address the need for coordination of recreational development, connection of open space and recreational areas, determination of where passive vs. active recreation should occur, and guidance on the development associated with parks and trails. In particular, passive recreation is encouraged on or near hillside areas, creeks, wetlands, sensitive habitats, or scenic resources, provided these resources are preserved according to specific guidelines.

The following Open Space Element policies address recreation and would apply to the proposed project:

OS 3.2.3 Creek Preservation Techniques

C. Recreation and public access near creeks should be provided consistent with this section and Section 12 of this element, Outdoor Recreation.

OS 4.2.4 Development Related Protection Techniques

Where wetland protection is required or proposed, public and private development is to:

D. Incorporate recreation and public access consistent with this Chapter, the Outdoor Recreation section.

OS 6.2.2 Development Practices for Sensitive Habitat Areas

B. Sensitive habitat should be protected by requiring public or private development to:
   4. Incorporate recreation and public access near resource areas consistent with Section 12, Outdoor Recreation.

OS 12.2.2 Active and Passive Recreation

Where recreation is required or proposed, public or private development shall:

A. Locate active recreation within or contiguous to the URL (except for recreation proposed within El Chorro Regional Park and Cuesta Community College), and housing, hotels, or other commercial, residential, or industrial development associated with golf courses or resorts within the URL.
B. Locate passive recreation such that: (1) site alterations are minimized; (2) adequate plantings occur to soften site alterations; (3) public access is restricted or limited in sensitive areas (as necessary to protect sensitive habitat or to prevent erosion during the rainy season); and (4) efficient linkages are provided to proposed or existing trails or recreation areas.
C. Incorporate design, construction, and maintenance techniques that: (1) preserve and enhance the aesthetic qualities of open space, parkland, or the productivity of agricultural lands; (2) will not cause or make worse natural hazards; (3) include erosion and sediment control practices; and (4) minimize land use and neighborhood conflicts.

OS 12.2.3 Creekside Trails

Creekside trails should not be established in existing, substantially developed residential areas of the City, where such trails could create a compatibility conflict with surrounding land uses.

2) Parks and Recreation Element and Master Plan

The City of San Luis Obispo Parks and Recreation Element and Master Plan (City of San Luis Obispo 2001) identifies the goals, objectives, policies, and programs related to the provision of parks, trails, golf courses, and natural open space areas citywide. The goals outlined in the Element include the conservation of natural resources and environmental quality, consistency with the General Plan, accessibility to all potential users, the design of trail linkages, development of new recreational facilities and parks, and acquisition of open space areas. In addition, the Element outlines project-relevant policies that address park land-to-resident ratios, resident access to neighborhood parks, park-in-lieu fees, and new residential project-associated athletic field development.

The following Parks and Recreation Element and Master Plan policies would apply to the proposed project:

1.33 Statement of Overall Department Policies

1.33.6 New development should contribute to the development of park facilities in proportion to the demand resulting from increased population.

2.51 The Park System

2.51.3 Parks shall be designed to meet a variety of needs depending on park size, location, natural features, and user demands.

2.53 Neighborhood Parks

2.53.1 San Luis Obispo residents shall have access to a neighborhood park within 0.5 to 1.0 mile walking distance of their residence.

2.53.2 The designs of neighborhood parks shall be consistent with the needs and preferences determined from a consensus of neighborhood residents.

2.53.4 In neighborhoods where existing parks do not adequately serve residents, mini-parks may be considered.

3) Consistency with Plans and Policies

The proposed project has been evaluated for consistency with plans and policies that pertain to recreational resources. If potential inconsistencies were identified, impacts are discussed in Section V.H.3.d below, and mitigation measures have been recommended that reduce or eliminate these inconsistencies.

c. Thresholds of Significance

As identified in Appendix G of the CEQA Guidelines, the level of impact to areas of potential environmental concern would be considered significant if the project would:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or would be accelerated
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

d. Impact Assessment and Methodology

The impacts of the proposed project were evaluated based on an assessment of construction of new residential dwelling units, and the associated impacts on existing recreational facilities resulting from increased demand. Increased demand was based on an estimated average 2.27 persons per dwelling unit, as reported for the City of San Luis Obispo in the last US Census (2000).

The proposed development plans were reviewed by the environmental consultant, in consultation with the City of San Luis Obispo Parks and Recreation Department to determine whether increased densities would affect existing recreational facilities and, if so, what actions could be taken to minimize the impacts.

e. Project-Specific Impacts and Mitigation Measures

1) Recreation Facilities

As proposed, the project would include 261 multi- and single-family residential units consisting of one, two, and three bedroom units. Based on the average household size in San Luis Obispo of

2.27 persons (U.S. Census Bureau 2000), the direct population growth associated with these 261 units would be 592.47 people (261 units x 2.27 persons per household).

The Tumbling Waters project component includes the provision of approximately 0.6 acres of public park space. In addition, the landscape plan for the development shows a pedestrian perimeter trail, six meditation gardens located just outside of the creek setbacks along Sydney Creek and Alrita-Carla Creek, and an open meadow passive space located west of the proposed Sacramento Drive alignment. The Creekstön project component includes one small patio area with a barbeque and picnic tables, and a detention pond with a windmill that would serve as passive space.

The provision of additional streetscape improvements and open space within the City, such as the public open and park space included in the project, would provide both the daytime population and residents in the immediate area passive recreation opportunities and an improvement in their quality of life. The project would also provide residents with a multi-purpose building and fitness center, picnic areas, and water gardens, which would partially serve to reduce demand for public recreation facilities by project residents. The public open and park space and private recreation facilities included in the project would not, however, meet the needs of the residents of the project for neighborhood or community parks (P. La Sage, Personal Communication, October 2004).

The increase in population generated by the project would incrementally increase the use of existing neighborhood and community parks in the City. In order to implement the goals of the Park and Recreation Element and provide a reasonable amount of space for outdoor, public recreation use, the City Municipal Code requires that each new subdivision dedicate land equivalent to five acres for each 1,000 residents expected to reside within the subdivision, or alternately pay fees in lieu of parkland dedication.

INSIG Impact 5 **Development of the proposed project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility could occur or be accelerated.**

INSIG/mm-5 Prior to land use permit issuance, the applicants shall comply with Sections 16.40.040 through 16.40.100 of the City Municipal Code and dedicate land equivalent to five acres for each 1,000 residents expected to reside within the subdivision or pay in-lieu fees, as applicable.

Residual Impact Impacts associated with the deterioration of existing recreational facilities would be considered *less than significant, Class III.*

INSIG Impact 6 **Development of the proposed project includes recreational facilities or requires the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.**

The recreation facilities proposed are incorporated into the design of the Creekstön and Tumbling Waters developments and would be constructed concurrently with the rest of the project. The long- and short-term impacts associated with the construction of these facilities are addressed under each of the applicable resource headings (i.e., Biological Resources) within Section V of this document, and mitigation measures have been recommended as applicable. No additional mitigation measures are necessary.

Residual Impact With implementation of the above mitigation measures, impacts associated with the development of recreational facilities would be considered *less than significant with mitigation, Class II.*

2) Bicycle Routes

In addition to the above-mentioned recreational amenities, the proposed project would include a Class I bikeway that would be removed from the street and created just to the west of the proposed Sacramento Drive extension. This bikeway would service recreational and commuter cyclists and provide a safe travel route that could be used as an alternative to Broad Street. This recreational amenity would promote bicycle travel within and through the proposed development and would increase bicycle use on other roadways within the project vicinity. In particular, bicycle traffic would increase along Orcutt Road, and, as proposed, the project does not provide for designated bicycle lanes along the Orcutt Road frontage.

There would be temporary impacts to commuter and recreational bicyclists from the construction proposed along the Broad Street and Orcutt Road frontages. The bicycle lanes would primarily remain open during project construction; however, short portions of the existing Class II and III bicycle lane may be closed for brief periods in some locations. Bicyclists would be subject to traffic control through the construction zone, along with vehicular traffic.

INSIG Impact 7 Development of the proposed project, including the proposed Class I bikeway within the Sacramento Drive extension easement, would increase bicycle lane usage on Orcutt Road.

Implement TR/mm-6.

Residual Impact Impacts associated with increased bicycle lane usage on Orcutt Road would be considered *less than significant with mitigation, Class II.*

INSIG Impact 8 Construction activities along the Orcutt Road and Broad Street frontages would result in short-term impacts to recreational and commuter bicyclists.

INSIG/mm-6 Prior to initiating construction, the applicant shall coordinate with the City Public Works Department and provide the following:

a. Signage along the length of all affected roads advising bicyclists of the temporary construction and the estimated period of construction along these routes.

b. Signage for an alternative bike route when existing routes are affected by construction.
c. Signage alerting bicyclists and vehicular traffic of the need to exercise caution.

INSIG/mm-7 During construction activities adjacent to the edge of pavement, construction crews shall keep all equipment off of the paved roadway to the maximum extent feasible to allow bicyclists to continue to use the road. (Note: Exceptions to this measure shall include situations where sensitive habitat is located adjacent to roadways and where safety issues exist.)

INSIG/mm-8 During construction when equipment is located in the roadway, the applicant shall provide one flag person to separately guide bicyclists and motor vehicles past the construction zone.

INSIG/mm-9 Upon completion of construction adjacent to Broad Street and Orcutt Road, the applicant shall replace all bicycle lanes that have been damaged by the construction process to City standards. In addition, if any paint is scuffed, the applicant shall repaint the affected bicycle lane markings.

Residual Impact With implementation of mitigation, short-term construction impacts to bicycle lanes along Orcutt Road and Broad Street, would be considered *less than significant with mitigation, Class II.*

f. Cumulative Impacts

Project construction would alter the current use of bike lanes during and after construction. Mitigation measures have been identified that reduce those potential impacts to less than significant levels. In addition, construction of the proposed project would incrementally increase demands for recreational opportunities within the surrounding area. This increased recreational demand, along with the increases from other residential projects identified in the cumulative development scenario, would result in potentially significant cumulative impacts to existing recreational resources. City ordinances requiring the payment of in lieu fees and the creation of additional recreational facilities would reduce these cumulative impacts to less than significant levels. No additional mitigation measures are necessary.

g. Mitigation Monitoring Summary

Chapter VIII, Mitigation Monitoring and Reporting Plan summarizes the mitigation measures and monitoring requirements for this resource.

4. Other Issues

a. Agricultural Resources

1) Initial Study Evaluation

The maps of the Farmland Mapping and Monitoring Program of the California Resources Agency show the project site as urban land. The project site is zoned for services and

manufacturing and no Williamson Act contract governs use of the site. The project site is an urban, in-fell development site. Development of properties such as these with urban uses can reduce the pressure to convert outlying farmland to non-agricultural uses.

2) Impacts and Mitigation Measures

No potential agricultural resources impacts were identified and no mitigation measures are warranted.

b. Energy and Mineral Resources

1) Initial Study Evaluation

Adopted energy conservation plans include guidelines for efficient development contained in the City's Community Design Guidelines and the Energy Conservation Element of the General Plan. The Planned Development zoning requires development to employ energy efficient materials and construction techniques in order to achieve a minimum of 30 percent greater energy efficiency than the minimum required by Title 24 of the California Code.

When analyzing impacts to energy resources, the EIR needs to address the generation of solid waste both during project construction and operation. To help reduce the waste stream generated by this project, recycling facilities shall be accommodated on the project site and a solid waste reduction plan for recycling discarded construction materials shall be submitted with the building permit application. The project is required by ordinance to include facilities for recycling to reduce the waste stream generated by the operational phase of the project.

There are no known mineral resources of value on the project site. No impacts to mineral resources are anticipated and mitigation measure are not warranted

2) Impacts and Mitigation Measures

INSIG Impact 9 The solid waste stream generated by the project would result in less than significant energy impacts.

INSIG/mm-10 Construction Solid Waste Minimization. During the construction phase of the project, the following measures shall be implemented to reduce solid waste generation to the maximum extent feasible:

a. The applicant shall develop and implement a Solid Waste Management Program. The program shall identify the amount of waste generation projected during processing of the project.
b. Prior to construction, the applicant shall arrange for construction recycling service with a waste collection provider. Roll-off bins for the collection of recoverable construction materials shall be located onsite. Wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris shall all be recycled.
c. The applicant shall designate a person to monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors shall be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins.

d. The applicant shall use recycled materials in construction wherever feasible.
e. The above construction waste recycling measures shall be incorporated into the construction specifications for the contractor.

INSIG/mm-11 Occupancy Solid Waste Minimization. During the long-term occupancy phase of the project, the following measures shall be implemented to reduce solid waste generation to the maximum extent feasible.

a. General Solid Waste. ~~Interior s~~Space shall be allotted for storage of smaller recyclable materials such as glass and plastic bottles and aluminum cans. Such ~~interior~~ space shall be specified on building plans.
b. Gardening Waste. The following measures shall be the responsibility of the applicant.
    i. Landscape design trees shall be selected for the appropriate size and scale to reduce pruning waste over the long-term.
    ii. Slow-growing, drought-tolerant plants shall be included in the landscape plan. Drought-tolerant plants require less pruning and generate less long-term pruning waste, require less water, and require less fertilizer than non drought-tolerant plants.
    iii. Woody waste generated in the open space and park areas shall be chipped and used as mulch, to the maximum extent feasible. The chipped garden waste shall be directly applied soon after chipping. Excess woody waste from the open space/park areas that is not utilized as mulch shall be hauled offsite by the maintenance crew. Whenever possible, grass clippings shall be re-applied directly to the turf areas through the use of mulch mowers.

Residual Impact With adherence to City ordinances, solid waste impacts would be *less than significant, Class III.*

c. Land Use and Planning

1) Initial Study Evaluation

The project may conflict with the Airport Land Use Plan because it could allow residential density above the 6 unit per acre minimum established by the plan for Safety Area 2. Hazards impacts, including impacts associated with the project's inconsistency with the Airport Land Use Plan are analyzed in Section V.D of this EIR.

The project would result in residential development of industrially zoned land that has never been developed in the past. An established community would not be divided as a result of this project.

There are no habitat conservation plans or natural community conservation plans that cover the project site.

2) Impacts and Mitigation Measures

Impacts associated with inconsistencies with local land use plans and policies are discussed in Section V of the EIR under the applicable resource headings. No other impacts have been identified and additional mitigation measures are not warranted.

d. Population and Housing

1) Initial Study Evaluation

The project would directly increase population growth in the area by re-designating land from service and manufacturing to high density residential. This level of population growth is not considered significant or substantial. The proposed rezoning is listed in the City's Housing Element as one of several areas where additional residential capacity should be developed in order to reach the residential unit targets established by the State of California for accommodating new households.

The project would not displace people because the project site is largely undeveloped.

2) Impacts and Mitigation Measures

Effects related to an increase in population created by the project are not significant in their own right, but may contribute to significant impacts in other resource areas analyzed in this EIR. No specific mitigation is necessary for anticipated population levels.

e. Public Services

1) Initial Study Evaluation

(a) Fire Protection

The Fire Department provided preliminary comments on the proposed development plans during the Initial Study period, and indicated that the turning radii in the Tumbling Waters portion of the project may need to be modified to allow for access of emergency response vehicles.

(b) Police Protection

The Police Department will have the opportunity to review the proposed project and make recommendations regarding the site plan with respect to the safety of residents and officers responding to calls on the site.

(c) Schools

The school districts in the State are separate governing bodies with authority to collect fees to finance school construction and parcel acquisition. Section 65955 of the Government Code prohibits the City from denying a subdivision or collecting any fees beyond those required by the school district itself, to mitigate effects of inadequate school facilities.

(d) Parks

The project is required to provide some of its own park amenities, in compliance with the City's Property Development Standards for New Condominium Projects to insure an adequate level of

on-site private open space and common open space. The residents of the project site would be most likely to use recreational facilities such as the railroad bike trail, the Daemon-Garcia Sports Fields, Islay Park, Sinsheimer Park, and new park facilities developed with the Orcutt Area Specific Plan.

(e) Roads and Other Transportation Infrastructure

The construction of Sacramento Drive would result in significant biological impacts to onsite creek resources. The alignment of Sacramento has been approved with previous projects and the right-of-way was dedicated to the City in this alignment, based on mitigation measures approved as part of the Parkside Research Center development plan and subdivision map, Tract 2134.

(f) Other Public Facilities

No other public facilities would be affected by the proposed project.

2) Impacts and Mitigation Measures

(a) Fire Protection

INSIG Impact 10 The proposed turning radii in the Tumbling Waters portion of the project do not allow for adequate access of emergency response vehicles.

Implement TR/mm-15.

Residual Impact Fire protection impacts would be *less than significant with mitigation, Class II*.

(b) Police Protection

No impacts are anticipated and no mitigation measures are warranted.

(c) Schools

Any effect that the additional children will have on school facilities will be mitigated in whole or in part by the school district's per square foot fees, charged at the time of building permit issuance for each residence.

(d) Parks

The City's Parkland In-Lieu Fee Program assesses fees based on each new lot in a subdivision so that the City can meet the goals included in the Parks and Recreation Element of the General Plan, including maintenance of existing facilities. Please refer to the Recreation section for a more detailed discussion on recreation impacts and mitigation measures.

(e) Roads and Other Transportation Infrastructure

Impacts associated with transportation infrastructure improvements are analyzed under the various resource headings of Section V of this EIR, including Biology, Transportation and Circulation, Air Quality, and Noise.

(f) Other Public Facilities

No impacts to other public facilities have been identified and no mitigation measures are warranted.

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