

VI. ALTERNATIVES ANALYSIS

A. INTRODUCTION

The CEQA Guidelines §15126.6 requires an EIR to describe a reasonable range of alternatives to a project, or to the location of a project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. This section discusses a range of alternatives to the proposed project including, No Project Alternative, Mitigated Project Alternative, Reduced Density Alternative, Redesigned Project Alternative, and a Alternative Land Use Designations.

Criteria used to evaluate the range of alternatives and remove certain alternatives from further consideration are addressed. CEQA Guidelines Section 15126.6 provides direction for the discussion of alternatives to the proposed project. This section requires:

- Description of “...a range of reasonable alternatives to the project, or to the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” [15126.6(a)]
- A setting forth of alternatives that “...shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.” [15126.6(f)]
- Discussion of the "No Project" alternative, and “...If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” [15126.6(e)(2)]
- Discussion and analysis of alternative locations “..that would substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR.” [15126.6(f)(2)(A)]

Given the CEQA mandates listed above, this section (1) describes the range of reasonable alternatives to the project; (2) examines and evaluates resource issue areas where significant adverse environmental effects have been identified and compares the impacts of the alternatives to those of the proposed project; and (3) identifies the Environmentally Superior Alternative.

B. ALTERNATIVES SELECTION

An alternative screening analysis was implemented as part of the EIR analysis in order to limit the number of alternatives evaluated in detail. The use of an alternative screening analysis provides the detailed explanation of why some of the alternatives were rejected from further analysis and assures that only the environmentally preferred alternatives are evaluated and compared in the EIR. In addition, this screening analysis uses the “rule of reason” methodology

as discussed in CEQA (Guidelines Section 15126.6(f)) that requires that EIRs address a range of only those feasible alternatives that are necessary to permit a reasoned choice.

In defining feasibility of alternatives the CEQA Guidelines state: “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site” (Section 15126.6(f)(1)). Through the scoping process, if an alternative was found to be infeasible, as defined above, then it was dropped from further consideration. In addition, CEQA states that alternatives should “..attain most of the basic objectives of the project...” (Section 15126.6(a)). If an alternative was found to not obtain most of the basic objectives of the proposed project, then it was also eliminated.

The basic objectives of the proposed project that were used in the screening of project alternatives included those that were identified by the project applicant and the City Council and Planning Commission for the project site. These objectives include the following:

- Rezoning the project site to R-4-PD, C-S-PD, and R-4-S land use designations in order to accommodate a mixed-use, high density residential development;
- Maximizing the number of residential units onsite and providing as many affordable homes as possible;
- Minimizing building coverage;
- Preserving creeks and the natural environment; and,
- Providing a pedestrian-oriented community with a village atmosphere.

The following alternatives to the proposed project were considered as part of the screening analysis:

1. No Project Alternative—Analysis of this alternative includes the assumption that future development would occur onsite under the existing M-PD and C-S-S land use designations and would likely include development of commercial retail stores and/or commercial office building or warehouse manufacturing and retail facilities.
2. Alternative Land Uses Under the R-4-PD, C-S-PD, and R-4-S Designations—This alternative considers the various land uses that would be allowed under the proposed rezone, other than the mixed use development proposed. Alternative land uses include: mobile home parks, residential care facilities, family day care homes, convents and monasteries, and parks/playgrounds.
3. Reduced Density Alternative—This alternative would retain the mixed-use land uses of the proposed project, but would involve a 75 percent reduction in the proposed residential and commercial square footage in order to minimize environmental impacts.
4. Redesigned Project Alternative—This alternative was developed with the objective of minimizing Class I noise and aesthetics impacts while maintaining the mixed-use

character of the proposed project. Under this alternative, buildings would be re-oriented and redesigned.

5. Mitigated Project Alternative—This alternative would implement all of the EIR recommended mitigation measures intended to reduce significant environmental impacts. With implementation of mitigation measure, all Class I impacts would be reduced to insignificance, with the exception of cumulative air quality.
6. Environmentally Superior Alternative—This is the alternative with the least amount of environmental impacts.

Of these alternatives, all but the Alternative Land Uses Alternative have been brought forward for further review. The Alternative Land Uses Alternative has been determined to be feasible for implementation; however, it does not meet most of the basic objectives of the proposed project and is therefore not considered further in this analysis.

The following is a qualitative analysis of the No Project, Reduced Density, Redesigned Project and Mitigated Project Alternatives. The analysis identifies the level of impact that would result if the alternatives were to be implemented and how they compare to the proposed project. These alternatives would reduce environmental impacts as compared to the proposed project, would meet most of the basic objectives of the proposed project, and are considered feasible for implementation.

C. ALTERNATIVES ANALYSIS

1. No Project Alternative

Under the No Project Alternative the 18-acre project site would remain M-PD (Manufacturing zone with Planned Development overlay zone) and C-S-S (Service Commercial with Special Considerations), as designated by the City of San Luis Obispo General Plan Land Use Element. As described in the existing setting, with the exception of the four residential lots in the southwest corner of the site, the parcels are presently vacant and unimproved. Disapproval of the proposed project does not preclude development from occurring on the project site, and it can be reasonably assumed that some other project would be proposed under the existing zoning. Therefore, the No Project Alternative does not mean “no build”, but rather it refers to, “what would reasonably be expected to occur in the foreseeable future if the proposed project were not approved, based on current plans and consistent with available infrastructure and community services,” (Guidelines §15126.6(e)(2)).

Table VI-1 lists the uses allowed under the existing M-PD designation. Table VI-2 lists the uses allowed under the existing C-S designation. The S overlay zone does not restrict these allowable uses, but it does require approval of an administrative use permit before any use may be established. The use permit requirement is intended to assure compatibility of the use with its surroundings or conformance with the general plan.

The purpose of Tables VI-1 and IV-2 is to show the wide variety of land uses allowed under the existing land use designations. Although there is a range of allowable land uses, it is reasonable to assume that the No Project Alternative would likely include development of commercial retail

stores (similar to those located to the west of the site along Broad Street) and/or commercial office buildings or warehouse manufacturing and retail facilities (similar to those located in the industrial area located to the south of the project site).

**TABLE VI-1
Allowable Uses Under M-PD Designation**

Land Uses	
ATMs	Office - Accessory
Auto parts sales, with installation	Office - Processing**
Auto parts sales, without installation	Office - Production and administrative**
Building and landscape materials sales, indoor	Public utility facilities
Building and landscape materials sales, outdoor	Recycling facilities - Small collection facility
Business support services	Recreational vehicle as temporary dwelling (See Section 17.08.010.C.4)
Broadcast studio	Photo and film processing lab
Caretaker quarters	Printing and publishing
Catering service	Railroad facilities
Copying and quick printer service	Repair service - Equipment, large appliances, etc.
Day care - Day care center**	School - Specialized education/training
Equipment rental	Storage yard
Farm supply and feed store	Transit station or terminal
Fuel dealer (propane, etc.)	Transit stop
Fitness/health facilities	Truck or freight terminal
Furniture and fixtures manufacturing, cabinet shop	Vehicle services - Repair and maintenance - Major
Laboratory - Medical, analytical, research, testing	Vehicle services - Repair and maintenance - Minor
Laundry, dry cleaning plant	Warehousing, indoor storage
Maintenance service, client site service	Wholesaling and distribution
Manufacturing - Light	

TABLE VI-2
Allowable Uses Under C-S-S Designation

Land Uses	
Ambulance, taxi, and/or limousine dispatch facility	Office - Accessory
ATMs	Personal services
Auto and vehicle sales and rental	Photo and film processing lab
Auto parts sales, with installation	Photographer, photographic studio
Auto parts sales, without installation	Printing and publishing
Broadcast studio	Produce stand
Building and landscape material sales, indoor	Public utility facilities
Building and landscape material sales, outdoor	Recreational vehicle as temporary dwelling (See Section 17.08.010.C.4)
Business support services	Repair service - Equipment, large appliances, etc.
Caretaker quarters	School - Specialized education/training
Catering service	Service station
Copying and Quick Printer Service	Studio - Art, dance, martial arts, music, etc.
Equipment rental	Transit stop
Farm supply and feed store	Truck or freight terminal
Fitness/health facility	Vehicle services - Repair and maintenance - Major
Furniture, furnishings, and appliance stores	Vehicle services - Repair and maintenance - Minor
Laboratory - Medical, analytical, research, testing	Vending machine (See Section 17.08.050)
Laundry, dry cleaning plant	Veterinary clinic/hospital, boarding, small animal, indoor
Live/work units	Warehousing, indoor storage
Maintenance service, client site services	Wholesaling and distribution
Mobile home, RV, and boat sales	

As compared to the proposed project, No Project Alternative would minimize the following environmental impacts:

- **Noise:** There would be no residential development under the No Project Alternative. Noise impacts would be significantly reduced because sensitive receptors would not be exposed to outdoor activity area noise levels in excess of 60 dBA.
- **Hazards:** Under the No Project Alternative, maximum non-residential densities, proposed commercial land uses, and maximum building coverage would be required to comply with ALUP standards for non-residential development located within Aviation Safety Area S-2. This would reduce airport hazards impacts to less than significant levels, as compared to the proposed project.
- **Utilities:** Commercial retail, commercial offices, and warehouse retail uses generally consume less water and produce less wastewater than high-density residential

- development. Water and wastewater impacts would be less than with the proposed project.
- **Aesthetic Resources:** Under the No Project Alternative, building heights would be required to comply with City ordinances that limit building heights to 35 feet. This reduction in building height, as compared with the proposed project, would reduce aesthetic resources impacts to less than significant levels.
 - **Recreation:** Implementation of the No Project Alternative would reduce impacts to recreational resources, as compared to the proposed project, because there is no residential component of the No Project Alternative that would increase the use of existing recreational facilities or create the need for new parks.

Potentially adverse impacts associated with implementation of the No Project Alternative that would be more severe than those associated with the proposed project include:

- **Transportation/Circulation:** Depending on the type of commercial retail facility developed under the No Project Alternative, there is the possibility for traffic volumes to increase as compared to the proposed project

Biological resources, air quality, and geology/hydrology impacts would remain the same as with the proposed project. The Class I impacts associated with cumulative air quality would remain. The No Project Alternative would reduce environmental impacts overall and has been determined to be feasible for implementation. The No Project Alternative does not meet most of the basic objectives of the proposed project, namely the City's desire for mixed-use development in this area; however, it has been included in this alternatives analysis, per CEQA requirements.

2. Reduced Density Alternative

The Reduced Density Alternative was developed based on a project adhering to height limits, creek setbacks, maximum densities, and other established regulatory guidelines. This alternative results in an approximate 75 percent reduction in the square footage of improvements currently proposed under the Tumbling Waters and Creekstön development plans. Accordingly, the Reduced Density Alternative would include approximately 62 residential dwelling units, approximately 2,425 new square feet of office or retail space and approximately 50 new parking spaces. Reducing the project by 75 percent would allow for a reduction in building heights, greater setback distances from transportation noise sources, greater setbacks from creeks, and reduced residential and non-residential densities that would comply with ALUP guidelines. Other improvements including landscaping, utilities, and "cosmetic improvements" such as façade, signage, and lighting, are assumed to be similar to the proposed project, although at a smaller scale.

As compared to the proposed project, Reduced Density Alternative would minimize the following environmental impacts:

- **Biological Resources:** Reduced densities and building coverage onsite would allow for 20-foot creek setbacks, as required by City ordinance. In addition, impacts to sensitive resources would be reduced.

- **Transportation/Circulation:** The Reduced Density Alternative would lower the projected traffic volumes and reduce transportation impacts.
- **Air Quality:** With lower traffic volumes, air quality impacts associated with vehicular trips would also decrease. Short-term air quality impacts from construction activities would remain approximately the same.
- **Noise:** The reduced density of development would allow for greater setbacks from transportation noise sources, which would significantly reduce noise impacts to sensitive receptors. Transportation noise impacts from vehicular traffic would also be reduced, because development under the Reduced Density Alternative would result in lower traffic volumes. Although noise impacts would be much less with the Reduced Density Alternative than with the proposed project, noise impacts would remain significant.
- **Hazards:** Under the Reduced Density Alternative, maximum non-residential densities, proposed commercial land uses, and maximum building coverage would be required to comply with ALUP standards for non-residential development located within Aviation Safety Area S-2. This would reduce airport hazards impacts to less than significant levels, as compared to the proposed project.
- **Utilities:** Generally speaking, a 75 percent reduction in overall density would equate to an approximate 75 percent reduction in water usage and wastewater generation. It is possible that this significant reduction in wastewater generation would allow for development to occur prior to completion of the Tank Farm Regional Lift Station project.
- **Aesthetic Resources:** Because densities and building coverage under the Reduced Density Alternative would be less, building heights would not be as tall as with the proposed project, which would reduce impacts to aesthetic resources.

There are no potentially adverse impacts associated with implementation of the Reduced Density Alternative that would be more severe than those associated with the proposed project. Geology/hydrology and recreation impacts would remain the same as with the proposed project. The Class I impacts associated with cumulative air quality would remain. The Reduced Density Alternative would reduce environmental impacts overall, would meet most of the basic objectives of the proposed project, and has been determined to be feasible for implementation.

3. Redesigned Project Alternative

The Redesigned Project Alternative was developed to minimize the noise and the aesthetics impacts of the proposed project while maintaining the proposed project objectives of mixed-use high-density residential development. This alternative includes the same components as the proposed project, but changes the design and layout of the project improvements in order to reduce noise and aesthetic impacts.

Under the Redesigned Project Alternative, an 8 to 10 foot landscaped earthen berm would be located along the entire Orcutt Road frontage, just outside of the City right-of-way. In addition, an 8-foot sound wall would be placed along the UPRR right-of-way. Residential buildings immediately adjacent to the northern and eastern boundaries would be reduced to one-story. All residential buildings would be oriented with outdoor living spaces located away from transportation noise sources. Building heights would be reduced to 35-feet and construction

would include the installation of interior noise attenuation mitigation to reduce interior noise levels below City thresholds.

As compared to the proposed project, Redesigned Project Alternative would minimize the following environmental impacts:

- **Noise:** Noise impacts would be significantly reduced through the addition of interior and exterior noise attenuation strategies and the reorientation of residential structures. Although noise impacts would be much less with the Redesigned Project Alternative than with the proposed project, noise impacts would remain significant.
- **Aesthetic Resources:** Under the Redesigned Project Alternative, building heights would be limited to 35 feet. This reduction in building height, as compared with the proposed project, would reduce aesthetic resources impacts to less than significant levels.

There are no potentially adverse impacts associated with implementation of the Redesigned Project Alternative that would be more severe than those associated with the proposed project. Biological resources, transportation/circulation, air quality, hazards, utilities, geology/hydrology, and recreation impacts would remain the same as with the proposed project. The Redesigned Project Alternative would reduce environmental impacts overall, would meet most of the basic objectives of the proposed project, and has been determined to be feasible for implementation.

4. Mitigated Project Alternative

The Mitigated Project Alternative considers the EIR recommended mitigation measures that have been identified to reduce impacts associated with the proposed project to less than significant levels. The Mitigated Project Alternative would involve complying with established creek setbacks to minimize impacts to biological resources, reducing the buildable area to avoid impacts from transportation noise sources, and constructing improvements to the existing circulation system to mitigate for transportation impacts. In addition, the Mitigated Project Alternative would require the proposed structures to be designed to comply with 35-foot height limits and retain the mature trees onsite in order to avoid impacts to aesthetic resources.

As compared to the proposed project, Mitigated Project Alternative would minimize environmental impacts in all issue areas. All identified Class I impacts would be *fully mitigated* (i.e., reduced to less than significant levels), with the exception of cumulative air quality.

The Mitigated Project Alternative would reduce significant environmental impacts and meet most of the basic objectives of the proposed project, and has been determined to be feasible for implementation.

D. ALTERNATIVES COMPARISON

Table VI-3 summarizes the evaluation of each of the alternatives and was used as a tool to determine which alternatives could avoid or lessen potentially significant impacts associated with the proposed project, and identify which alternative is the Environmentally Superior Alternative. In addition, the matrix also identifies where new or substantially increased

potentially significant impacts may be identified for an alternative. Several components of these alternatives can be adapted to work with the proposed project. A combination of alternatives can be incorporated into the proposed project as deemed necessary to reduce the potential impacts.

**TABLE VI-3
Impact Comparison of Project Alternatives**

Environmental Resource	No Project Alternative	Reduced Density Alternative	Redesigned Project Alternative	Mitigated Project Alternative
Biological Resources	0	+1	0	+1
Transportation	-1	+1	0	+1
Air Quality	0	+1	0	+1
Noise	+1	+1	+1	+1
Hazards	+1	+1	0	+1
Utilities	+1	+1	0	+1
Aesthetics	+1	+1	+1	+1
Geology/Hydrology	0	0	0	+1
Recreation	+1	0	0	+1
RESULTS	+4	+7	+2	+9
Note: +1= impact would be less than proposed project -1= impact would be greater than proposed project 0= impact would remain approximately the same as proposed project				
Alternatives Brought Forward for Review:	1. No Project Alternative			
	3. Reduced Density Alternative			
	4. Redesigned Project Alternative			
	5. Mitigated Project Alternative			

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA Section 15126(d) states that the alternative section of an EIR shall “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project...” Section 15126(d)(4) continues by stating “if the environmental superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.”

Because the Mitigated Project Alternative is feasible for implementation and reduces environmental impacts to a greater extent than the proposed project, the Mitigated project Alternative has been identified as the Environmentally Superior Alternative.

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VII. ENVIRONMENTAL ANALYSIS

A. GROWTH INDUCING IMPACTS

Pursuant to §15126.2(d) of the State CEQA Guidelines, an EIR must address whether a project would directly or indirectly foster growth. Section 15126.2(d) reads as follows:

“An EIR shall discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects, which would remove obstacles to population growth (a major expansion of wastewater treatment plant, might, for example, allow for more construction in service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also discuss the characteristic of some projects, which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

As discussed in this section, this analysis evaluates whether the proposed project would directly, or indirectly, induce economic, population, or housing growth in the surrounding environment.

1. Population Growth

The 297 housing units of the proposed project would increase the population of the City of San Luis Obispo by approximately 674 residents (297 housing units x 2.27 persons per household based (U.S. Census 2000)). Based on the City’s estimated 2004 population of 44,176 residents, an additional 674 residents would account for an approximate 1.5 percent increase in population. The addition of 297 units of housing to the City’s total of 19,306 housing units (US Census 2000) would also represent an increase of approximately 1.5 percent in the number of housing units within the City. This increase in population is not considered a substantial increase in the overall population of the City in terms of percentage, and therefore is not considered significant on a communitywide basis.

2. Economic Growth

Normally, economic issues are not discussed in an EIR unless there is a nexus with a physical impact on the environment (CEQA Guidelines §15131). CEQA states that economic or social information may be included in an EIR or may be presented in whatever form the agency desires. It also goes on to state in subsection (a) that “...economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”

A market feasibility study was not conducted for the proposed project. Therefore, the feasibility of the project and a cost-benefit analysis is not known. However, it is certain that a mixed-use commercial project of this size would bring an increase in revenue resulting in growth inducing impacts to the area. The effects will indirectly provide change in the social and economic environment of the area and these changes may be considered beneficial or adverse depending upon one's social perspective and desires for the growth of the area.

3. Employment Opportunities

Based on estimates from similar projects, the commercial components of the proposed project are expected to employ approximately 60 people. Additionally, there would be short-term employment opportunities during the construction of both components of the proposed project. Given the ample supply of construction workers in the local work force (both employed and unemployed), it is likely that a majority of these workers would come from the local area. Long-term employment opportunities may include part-time work, retail sales associates in low and moderate income ranges, with managers in the higher income ranges. Most jobs, with the exception of managerial positions, are secondary-income jobs and would likely go to spouses, students, and young adults. Although there is a local employment base with the training to work at these commercial facilities, the development could encourage a small number of persons relocating to the area, resulting in a minor demand for housing, additional commuting, and secondary impacts to energy consumption, air pollution, and an increase in traffic levels of service.

4. Employment Growth to Supporting Industries

The proposed project is considered growth inducing because it would foster economic growth and employment not only for the project itself but also for complimentary industries. Commercial developments require products and supplies from existing industries to facilitate growth and success. These industries may include: trucking, janitorial, advertising service, and service industries that serve the secondary increase in employment base (food, sundries, etc.). The increase in supporting industries could contribute to the cumulative need for more of these services in the area, however it would not be considered significant for either primary service industries to the commercial complex or the secondary service industries to the employees, and would not likely attract new business to the area.

B. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2 (c) of the CEQA Guidelines states that use of nonrenewable resources during the initial and continued phases of a proposed project may be irreversible if a large commitment of these resources makes their removal, indirect removal, or non-use thereafter unlikely. This section of the EIR evaluates whether the project would result in the irretrievable commitment of resources, or would cause irreversible changes in the environment. In addition, this section identifies any irreversible damage that could result from environmental accidents associated with the proposed project.

1. Irreversible Commitment of Resources

Implementation of the proposed project would include the development of approximately 9,700 square feet of commercial retail floor area and 297 residential dwelling units. Other components of the project would include development of the connection of Sacramento Drive to Orcutt Road, landscape and streetscape improvements, architectural elements and security lighting, building signage, and necessary upgrades to utilities. Overall, the proposed project would commit the subject property to a new type of urban development and would be of greater intensity than currently exists onsite. Construction and operation of the proposed project would contribute to the incremental depletion of resources, including renewable and non-renewable resources. Consumption of energy resources and increased vehicle travel by employees and customers will use resources for heating, cooling, lighting, operation of appliances, and vehicle transportation. Use of non-renewable materials such as metals and petroleum-derived products would effect the environment.

2. Loss of Aesthetic/Visual Resources

The proposed project would result in the development of large structures and parking lots, resulting in disruption of the public views. Section V.G., Aesthetics, describes mitigation measures to lessen the impact of the development.

3. Degradation of Ambient Air Quality

The proposed project will cause a significant increase in vehicle emissions, and when analyzed in conjunction with the projects outlined in the cumulative development scenario would result in significant cumulative impacts to air quality. Section V.C. Air Quality describes mitigation measures to lessen the impact of the development.

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VIII. MITIGATION MONITORING AND REPORTING PLAN

A. STATUTORY REQUIREMENT

When a Lead Agency makes findings on significant environmental effects identified in an EIR, the agency must also adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment” (Public Resources Code section 21081.6(a) and CEQA Guidelines sections 15091(d) and 15097). The Mitigation Monitoring and Reporting Plan (MMRP) is implemented to ensure that the mitigation measures and project revisions identified in the EIR are implemented. Therefore, the MMRP must include all changes in the proposed project either adopted by the project proponent or made conditions of approval by the Lead or Responsible Agency.

B. ADMINISTRATION OF THE MMRP

The City of San Luis Obispo is the Lead Agency responsible for the adoption of the MMRP for the Four Creeks Rezoning Project, if the project is approved. According to CEQA Guidelines section 15097(a), a public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation. However, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that the implementation of the measure occurs in accordance with the program.

Mitigation measures listed in the Four Creeks Rezoning Project MMRP will be primarily implemented by the project applicants, under the oversight of the City of San Luis Obispo and/or an approved environmental monitor acting of the City’s behalf.

C. MITIGATION MEASURES

The following mitigation measures have been recommended in the EIR. Included with each mitigation measure are the Plan Requirements needed to ensure that the mitigation is included in the plans and construction of the project, the Timing of the action, and the Monitoring component that identifies the party responsible for verification of the completed actions. [For the purposes of this EIR, the timing requirement “prior to issuance of building permits” includes issuance of all City permits for grading and construction of the proposed project, including but not limited to grading permits, permits for public improvements, and construction permits.](#)

1. Biological Resources

BIO/mm-1 Prior to construction, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP), which shall include detailed sedimentation and erosion control plans submitted to the City of San Luis Obispo for approval. The SWPPP shall specifically address protection of drainages, and riparian and wetland resources on and adjacent to the project site. Compliance shall be verified by the project environmental monitor through submission of compliance reports.

BIO/mm-2 To avoid erosion and downstream sedimentation, and to avoid impacts to aquatic species, no work in drainages shall occur during the rainy season (November 1 through April 30).

BIO/mm-3 Equipment access and construction shall be conducted from the banks rather than from within drainages. No equipment shall be staged and no temporary placement of fill shall occur in drainages.

BIO/mm-4 Soil stockpiles shall not be placed in areas that have potential to experience significant runoff during the rainy season. All project-related spills of hazardous materials within or adjacent to project sites shall be cleaned up immediately. Spill prevention and cleanup materials shall be on-site at all times during construction. Cleaning and refueling of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to standard BMPs applicable to attaining zero discharge of stormwater runoff. No maintenance, cleaning or fueling of equipment shall occur within wetland or riparian areas, or within 50 feet of such areas. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

BIO/mm-5 During construction and operation, [permanent](#) installation of filtration devices designed to remove oil, grease, and other potential pollutants from stormwater runoff shall be required for all project storm water runoff directed to drainages traversing the project site.

BIO/mm-6 If surfactants or herbicides are used at any time on the project site, application of surfactants or herbicide shall not occur within 20 feet of drainages/riparian area, in compliance with the City's riparian setback requirements.

BIO/mm-7 At the time of application of grading permits, all riparian areas and 20-foot setback boundaries shall be shown on all construction plans. The riparian areas and 20-foot setback boundaries shown on grading plans shall be based on the field data collected as part of the EIR analysis, as presented in Figure BIO-2. All riparian vegetation planned for removal shall be specified on construction plans. Except for activities requiring removal of riparian trees and associated understory vegetation that are specified on construction plans, all ground disturbances and vegetation removal shall be prohibited within the 20-foot setback from the outer edge of the riparian canopy of any drainage onsite.

BIO/mm-8 In order to protect existing native trees (i.e. California black walnut, western sycamore, Fremont cottonwood, coast live oak, arroyo willow, red willow, blue elderberry, California bay), native riparian understory vegetation (i.e. California blackberry, mugwort, stinging nettle), and minimize adverse effects of grading and construction onsite, the applicant shall implement a Riparian Habitat Revegetation and Restoration Plan in consultation with the CDFG and the City Natural Resources Manager. A qualified restoration biologist and/or horticulturalist, approved by the City of San Luis Obispo, shall be retained by the applicant to prepare the Riparian Habitat Revegetation and Restoration Plan, complete with success criteria goals and a five-year monitoring schedule. The qualified biologist shall supervise site preparation, timing, species utilized, planting installation, maintenance, monitoring, and reporting of the revegetation/restoration efforts.

If impacts to riparian trees or riparian understory vegetation cannot be avoided, the impacts shall be minimized to the extent practicable. No ground disturbance including grading for buildings,

access roads, easements, subsurface grading, sewage disposal, and well placement shall occur within the critical root zone of any native tree unless specifically authorized by the Revegetation and Restoration Plan. The Revegetation and Restoration plan shall include the following:

- a. An exhibit (i.e. map) showing the location, identification, diameter, and critical root zone of all native trees located onsite.
- b. Fencing of all trees to be protected at or outside of the critical root zone or at the 20-foot setback boundary, whichever is greater. Fencing shall be at least three feet in height of material acceptable to the City of San Luis Obispo and shall be staked every six feet. The applicant shall place signs stating “tree protection area” at 15-foot intervals on the fence. The fencing and signs shall be shown on the tree protection exhibit, shall be installed prior to grading permit approval, and shall remain in place throughout all grading and construction activities.
- c. Identification of any areas where landscaping, grading, trenching, or construction activities would encroach within the critical root zone of any native or specimen tree. All encroachment is subject to review and approval by the City of San Luis Obispo.
- d. Location of construction equipment staging and storage areas shown on the tree protection exhibit. All construction equipment staging and storage areas shall be located outside of the 20-foot riparian setback and other sensitive habitat areas, and shall be depicted on project plans submitted for land use clearance. No construction equipment shall be parked, stored, or operated within the protected area. No fill soil, rocks, or construction materials shall be stored or placed within the protected area.
- e. Identification of all proposed utility corridors and irrigation lines shown on the tree protection exhibit. New utilities shall be located within roadways, driveways, or a designated utility corridor such that impacts to trees are minimized.
- f. Any proposed tree wells or retaining walls shown on the tree protection plan exhibit, as well as grading and construction plans, and located outside of the critical root zone of all protected trees unless specifically authorized.
- g. Any encroachment within the critical root zone of native trees adhering to the following standards:
 - i. Any paving shall be of pervious material (e.g. gravel, brick without mortar).
 - ii. Any trenching required within the critical root zone of a protected tree shall be done by hand.
 - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- h. All trees located within 20 feet of buildings protected from stucco and/or paint during construction.

- i. No permanent irrigation within the critical root zone of any native tree. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.
- j. Remove only trees designated for removal on the approved tree protection plan.
- k. Replace in-kind any native trees that are removed, relocated, and/or damaged on a 3:1 ratio with either one-gallon sized saplings grown from seed obtained from drainages traversing the project site or commercially available one-gallon plantings. When necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. In addition, replace in-kind any native riparian understory vegetation (e.g. California blackberry) that is removed, relocated, and/or damaged basis with either one-gallon sized plantings grown from seed obtained from drainages traversing the project site or commercially available one-gallon plantings. Acreage of riparian understory vegetation removed will be quantified and replaced on a ratio of 3:1. The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.

BIO/mm-9 Prior to issuance of grading permit, the applicant shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) ACOE Section 404 Nationwide Permit or Individual Permit for impacts to ACOE jurisdictional wetlands or other waters; (2) RWQCB Section 401 Water Quality Certification for discharges “Waters of the U.S.” and/or “Waters of the State”; and (3) CDFG Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever extends furthest from the streambeds) of drainages.

BIO/mm-10 Prior to construction, the applicant shall provide funding for a qualified, City-approved environmental monitor for the construction phase of the project to ensure compliance with EIR mitigation measures, the Revegetation and Restoration Plan, any applicable permit conditions, and any conditions required by the City of San Luis Obispo. The environmental monitor shall be under contract to the City. The monitor shall be responsible for (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. Monitoring shall be at a frequency and duration determined by the affected natural resource agencies (e.g., ACOE, RWQCB, CDFG, and the City of San Luis Obispo).

BIO/mm-11 If onsite mitigation to permanent loss of riparian habitat is not feasible, an offsite riparian mitigation component shall be incorporated into the Revegetation and Restoration Plan, subject to review and approval by jurisdictional agencies. Plans for off-site mitigation shall include a monitoring schedule and success criteria to ensure that onsite and any offsite restoration/enhancement efforts are successful.

BIO/mm-12 If impacts to wetlands cannot be avoided, the impacts shall be minimized to the extent practicable. All wetland vegetation planned for removal shall be specified on construction plans. Except for activities requiring removal of wetland vegetation that are specified on

construction plans, all ground disturbances and vegetation removal shall be prohibited within a 20-foot setback from the outer edge of the riparian canopy of any drainage onsite. All riparian areas and 20-foot setback boundaries shall be shown on all grading plans.

BIO/mm-13 The applicant shall incorporate a wetland mitigation component into the Revegetation and Restoration Plan outlined in BIO/mm-2, which shall include the following:

- a. An exhibit (i.e. map) showing the location, of all wetland vegetation located onsite.
- b. ~~Only hand removal of wetland vegetation.~~ If impacts to wetlands are proposed, the method of wetland vegetation removal shall be determined by the ACOE Nationwide Permit, or by the landscape contractor if no guidance is provided by ACOE. If feasible, wetland vegetation removed shall be salvaged as plugs or plantings for revegetation/restoration.
- c. If impacts to wetlands are proposed, the Plan shall include a requirement to ~~R~~replace in-kind any wetland vegetation removed, relocated, and/or damaged on a 3:1 basis with plugs or plantings obtained from drainages traversing the project site, or commercially available plugs or plantings.

BIO/mm-14 If on-site mitigation to permanent loss of wetlands is not feasible, an off-site wetland mitigation component shall be incorporated into the Revegetation and Restoration Plan, subject to review and approval by jurisdictional agencies. Plans for off-site mitigation shall include a monitoring schedule and success criteria to ensure that onsite and any offsite restoration/enhancement efforts are successful.

BIO/mm-15 Prior to ground disturbance, botanical surveys shall be conducted to determine presence or absence of Obispo Indian paintbrush, Jones’s layia, or adobe sanicle in annual grasslands within the project site. A minimum of three botanical surveys shall be scheduled to occur throughout the February to May blooming (identification) period, according to the following table, prior to scheduled site disturbance.

Sensitive Plant Species	Blooming/Identification Period
Obispo Indian Paint Brush	April
Jones layia	March - May
Adobe sanicle	February - May

If sensitive plant species are identified within the project site the applicant shall implement a Sensitive Plant Species Revegetation and Restoration Plan in consultation with CDFG and the City Natural Resources Manager. A qualified biologist and/or botanist, approved by the City of San Luis Obispo shall be retained by the applicant to prepare the Sensitive Plant Species Revegetation and Restoration Plan, complete with success criteria goals and a five-year monitoring schedule. The qualified biologist shall supervise site preparation, timing, species utilized, planting installation, maintenance, monitoring, and reporting of the

revegetation/restoration efforts. The following measures shall be incorporated into the Sensitive Plant Species Revegetation and Restoration Plan.

- a. In areas not permanently displaced by new development, ruderal vegetation/disturbed annual grassland shall be revegetated and restored using topsoil salvage, restoring disturbed areas to original contours, and hydroseeding impacted areas with a seed mix characteristic of the grasslands onsite. Appropriate species for erosion control and eventual native shrub and herb cover shall be utilized. Because native grassland species are likely to be out-competed by non-native species, a ground cover mix is recommended for impacted ruderal vegetation/annual grassland areas. Topsoil salvage methods and seed mixes shall be specified in the Sensitive Plant Species Revegetation and Restoration Plan. Hydroseeded areas shall be monitored by a qualified restoration biologist and/or horticulturalist for viability and overall success, with additional recommendations as necessary.
- b. If Obispo Indian paintbrush, Jones's layia, or adobe sanicle are identified on the proposed project site, the locations of these populations shall be clearly included on an exhibit (i.e. map). These populations shall be flagged by a qualified biologist and protected with temporary fencing prior to construction. These areas to be protected shall be shown on all applicable construction plans. The protection devices shall be installed by the applicant and verified by the Environmental Monitor prior to any grubbing or vegetation removal. Sensitive plant species protective measures shall remain in place throughout the grading and construction phases.
- c. If avoidance of Obispo Indian paintbrush, Jones's layia, or adobe sanicle in ruderal vegetation/disturbed annual grassland habitat is not feasible, the applicant shall specify an onsite mitigation strategy in the Sensitive Plant Species Revegetation and Restoration Plan shall specify an onsite mitigation strategy that identifies the following:
 - i. Suitable onsite mitigation locations based on soil type, hydrologic conditions, and proximity to existing sensitive species populations;
 - ii. Seed collection requirements and protocol;
 - iii. Soil seed bank conservation strategies;
 - iv. Mitigation site preparation techniques;
 - v. Seeding regimen;
 - vi. Mitigation site maintenance schedule, including weed abatement strategies, erosion control monitoring, etc.; and,
 - vii. Monitoring requirements.

BIO/mm-16 If onsite mitigation to permanent loss of sensitive plant populations in annual grassland habitat is not feasible, an offsite sensitive plant mitigation component shall be incorporated into the Sensitive Plant Species Revegetation and Restoration Plan, subject to review and approval by CDFG and the City Natural Resources Manager. The Sensitive Plant Species Revegetation and Restoration Plan shall identify an offsite area that can be restored with the identified sensitive plant species. Such a site must have the following components.

- a. The offsite area is owned or controlled by a non-profit or governmental agency;
- b. It is shown that the intent for the area will be to protect it in perpetuity with the primary goal to reestablish and maintain native habitat;
- c. There is comparable area available for sensitive plant species restoration;
- d. It is within close proximity of the subject property;
- e. The offsite mitigation area is clearly shown to have all the necessary requirements for successful reestablishment of the plant/habitat (that will be better than or equal to the sensitive plant habitat being eliminated) without the need for any long-term artificial maintenance;

In addition, the Sensitive Plant Species Revegetation and Restoration Plan shall specify an offsite mitigation strategy that identifies the following:

- f. If feasible, the sensitive plant species located onsite and/or their seed shall be used for the offsite mitigation area, as determined appropriate by the biologist/botanist;
- g. Seed collection requirements and protocol;
- h. Soil seed bank conservation strategies;
- i. Mitigation site preparation techniques;
- j. Seeding regimen;
- k. Mitigation site maintenance schedule, including weed abatement strategies, erosion control monitoring, etc.;
- l. Submittal of a cost estimate by a qualified individual for: property acquisition, site evaluation reporting; all restoration work, and monitoring/maintenance/remedial work for at least 5 years;
- m. Establishment of a bond for the cost estimate to be held by the City until the 5 year time period is up or until sensitive plant species restoration is determined to be successful by City Natural Resources Manager, whichever is greater;
- n. If offsite mitigation area fails, bond shall be applied to establishing a second area.

BIO/mm-17 Prior to construction, if construction activities are scheduled to occur between November 1 and March 1, a qualified biologist shall conduct surveys for overwintering monarch butterflies. Overwintering monarch butterfly surveys shall consist of a preconstruction survey prior to eucalyptus tree removal, with weekly surveys continuing thereafter until March 31. If no roosts are observed within the project site, then no further mitigation is required. If active roosts are observed, then tree removal activities shall be delayed and an appropriate setback for other construction-related activities shall be maintained until monarch butterflies have migrated from the site. Tree removal shall be monitored and documented by the biological monitor regardless of time of year.

BIO/mm-18 Prior to construction, if construction activities are scheduled to occur during the typical bird nesting season (from March 1 to August 31) a qualified biologist shall be retained to conduct a preconstruction survey (approximately 1 week prior to construction) to determine presence/absence for tree-nesting birds within riparian corridors and ground-nesting birds within annual grasslands onsite. If no nesting activities are detected within the proposed work area, noise-producing construction activities may proceed and no further mitigation is required. If

nesting activity is confirmed during preconstruction nesting surveys or at any time during the monitoring of construction activities, work activities shall be delayed within 100 feet of active nests until the young birds have fledged and left the nest. In addition, the results of the surveys will be passed immediately to the CDFG and the City Natural Resources Manager, possibly with recommendations for buffer zone changes, as needed, around individual nests. Tree removal in riparian zones shall be monitored and documented by the biological monitor regardless of time of year.

2. Transportation and Circulation

~~TR/mm-1 The project applicants shall be responsible for the following intersection improvement:~~

~~a. Convert one northbound through lane into a second left turn lane at the intersection of Broad Street and South Street. The left turn phasing for the northbound and southbound approaches shall be modified to accommodate lead lag left turn phasing. To implement the mitigation measure, the applicant shall perform the following actions:~~

~~Prior to development plan approval, the applicants shall:~~

- ~~Prepare construction drawings for the improvements and submit to the City of San Luis Obispo;~~
- ~~Apply for obtain all necessary permits, approvals, and authorizations from the City of San Luis Obispo Public Works Department; and,~~
- ~~Submit approved plans along with an encroachment application and payment of any encroachment fees to Caltrans.~~

~~Prior to issuance of occupancy permit the applicants shall:~~

- ~~Obtain all necessary permits, approvals, and authorizations from the City of San Luis Obispo Public Works Department;~~
- ~~Submit Caltrans issued encroachment permit to the City of San Luis Obispo; and,~~
- ~~Fund and construct the intersection improvements based on plans approved by the City of San Luis Obispo.~~

~~Or,~~

~~b. Widen the westbound approach (Santa Barbara Street) of the Broad Street/South Street intersection to provide two left turn lanes and one shared through/right turn lane. To implement the mitigation measure, the applicant shall perform the following actions:~~

~~Prior to development plan approval, the applicants shall:~~

- ~~Prepare construction drawings for the improvements and submit to the City of San Luis Obispo;~~
- ~~Apply for obtain all necessary permits, approvals, and authorizations from the City of San Luis Obispo Public Works Department; and,~~
- ~~Submit approved plans along with an encroachment application and payment of any encroachment fees to Caltrans.~~

~~Prior to issuance of occupancy permit the applicants shall:~~

- ~~Obtain all necessary permits, approvals, and authorizations from the City of San Luis Obispo Public Works Department;~~
- ~~Submit Caltrans-issued encroachment permit to the City of San Luis Obispo; and,~~
- ~~Fund and construct the intersection improvements based on plans approved by the City of San Luis Obispo.~~

TR/mm-1 Prior to issuance of building permits, the applicants shall design, subject to approval of the Public Works Director, the following improvement:

- a. Convert one northbound through lane into a second left-turn lane at the intersection of Broad Street and South Street. The left-turn phasing for the northbound and southbound approaches shall be modified to accommodate lead-lag left-turn phasing.

Prior to issuance of occupancy permits, the applicants shall either: 1) complete the improvements identified within this mitigation measure subject to review, inspection and permit issuance by the City and Caltrans, or 2) subject to approval of the Director of Public Works, deposit a mitigation fee in an amount equal to the estimated construction costs of the improvements identified within this mitigation measure and request that the City become the lead entity in processing a Caltrans Encroachment Permit for the required work.

The applicants may request that the City enter into a reimbursement agreement for costs associated with improvements that are beyond the scope of the development project. The reimbursement agreement will be at the sole discretion of the City and final cost estimates and reimbursement amounts will be subject to prior approval of the Director of Public Works. The amount of reimbursement shall be as determined by the Public Works Director, taking into consideration the project's percentile contribution to traffic volumes caused by other known development projects at this intersection, or the percentile increase in average vehicle delay attributable to project traffic.

~~**TR/mm-2** The project applicants shall be responsible for the following intersection improvement:~~

~~The installation of a signal, with a 90-second cycle length, would improve the level of service from LOS F to LOS B (16.0 seconds of delay). Traffic signal interconnect and coordination for the proposed signal at Capitolio Way and the existing Broad Street signals between Oreutt Road and Industrial Way are also required to improve roadway segment operations. To implement the mitigation measure, the applicants shall perform the following actions:~~

~~Prior to development plan approval, the applicants shall:~~

- ~~Prepare construction drawings for the improvements and submit to the City of San Luis Obispo;~~
- ~~Apply for obtain all necessary permits, approvals, and authorizations from the City of San Luis Obispo Public Works Department; and,~~
- ~~Submit approved plans along with an encroachment application and payment of any encroachment fees to Caltrans.~~

Prior to issuance of occupancy permit the applicants shall:

- ~~□ Obtain all necessary permits, approvals, and authorizations from the City of San Luis Obispo Public Works Department;~~
- ~~□ Submit Caltrans issued encroachment permit to the City of San Luis Obispo; and,~~
- ~~□ Fund and construct the intersection improvements based on plans approved by the City of San Luis Obispo.~~

TR/mm-2 If, prior to issuance of occupancy permits, improvements at the intersection of Capitolio/Broad Street have not been completed by adjacent development, the project applicants shall design and install improvements to the Capitolio Road/Broad Street intersection. These improvements shall include the widening of westbound Capitolio, including curb and gutter installation and street paving and the striping of a dedicated left turn lane and separate right-turn lane for access onto Broad Street. The applicants may request that a reimbursement agreement be created for a portion of the improvement costs at the time that the improvements are actually installed. The amount of reimbursement shall be as determined by the Public Works Director, taking into consideration the project's percentile contribution to forecasted traffic volume at the Capitolio-Broad intersection, or the percentile increase in average vehicle delay attributable to project traffic.

TR/mm-3 The Creekston and Tumbling Waters applicants shall be responsible for the following intersection improvements:

- Install a traffic signal with a ~~70-second cycle length and~~ including a southbound right-turn overlap phase (southbound vehicles turn right when eastbound vehicles turn left) to provide acceptable (LOS A) operations, ~~and~~
- ~~□ Widen the east leg of the intersection to accommodate the widening of Orcutt Road (widening of Orcutt Road adjacent to the project site is required to mitigate roadway segment impacts-see discussion below).~~

To implement the mitigation measure, the applicant shall perform the following actions.

Prior to ~~development plan approval~~ issuance of building permits, the applicant shall:

- Prepare construction drawings for the improvements and submit to the City of San Luis Obispo Public Works Department;
- Apply for obtain all necessary permits, approvals, and authorizations from the City of San Luis Obispo Public Works Department.

Prior to issuance of occupancy permit the applicant shall:

- Obtain all necessary permits, approvals, and authorizations from the City of San Luis Obispo Public Works Department;
- Fund and construct the intersection improvements based on plans approved by the City of San Luis Obispo.

~~**TR/mm-4** The project applicants shall be responsible for the following intersection improvements:~~

~~Provide an additional through lane in each direction along Orcutt Road, between Broad Street and Laurel Lane. The alignment of Orcutt Road, with the widening, would shift southwards near Duncan Road/Sacramento Drive and transition northwards before Laurel Lane. This alignment was set by City Council in 1994 (see Ordinance No. 1269). The widening of Orcutt Road shall incorporate state and city design standards.~~

~~Provide bicycle lanes in both directions and left turn pockets in both directions at McMillian Avenue and Duncan Road/Sacramento Drive with the widening of Orcutt Road.~~

~~To implement the mitigation measure, the applicants shall perform the following actions:~~

~~Prior to development plan approval, the applicants shall:~~

- ~~Prepare construction drawings for the improvements according to applicable state and city standards and submit to the City of San Luis Obispo;~~
- ~~Apply for obtain all necessary permits, approvals, and authorizations from the City of San Luis Obispo Public Works Department; and,~~
- ~~Submit approved plans along with an encroachment application and payment of any encroachment fees to Caltrans.~~

~~Prior to issuance of occupancy permit the applicants shall:~~

- ~~Obtain all necessary permits, approvals, and authorizations from the City of San Luis Obispo Public Works Department;~~
- ~~Submit Caltrans issued encroachment permit to the City of San Luis Obispo; and,~~
- ~~Fund and construct the roadway improvements based on plans approved by the City of San Luis Obispo.~~

TR/mm-4 Prior to issuance of occupancy permits, the project applicants shall install, subject to approval of the Public Works Director, the following improvements:

- Provide an additional through lane in each direction along Orcutt Road, between Broad Street and the Union Pacific Railroad right-of-way. The alignment of Orcutt Road, with the widening, would shift southwards near Duncan Road/Sacramento Drive and transition northwards before the railroad tracks. This alignment was set by City Council in 1994 (see Ordinance No. 1269). The widening of Orcutt Road shall incorporate state and city design standards.
- Provide bicycle lanes and sidewalks in both directions and left-turn pockets in both directions at McMillian Avenue and Duncan Road/Sacramento Drive with the widening of Orcutt Road.

In addition, prior to issuance of occupancy permits, the applicants shall either; 1) complete the following improvements subject to review, inspection and permit issuance by the City, the California Public Utilities Commission (CPUC), and Union Pacific Railroad, or 2) subject to approval of the Director of Public Works, deposit a mitigation fee in an amount equal to the

estimated construction costs of said project and request that the City become the lead entity in processing a CPUC Encroachment Permit for said work.

- Provide an additional through lane in each direction along Orcutt Road, between Union Pacific Railroad right-of-way and Laurel Lane.
- Provide bicycle lanes and sidewalks in both directions and left-turn pockets in both directions at Laurel Lane with the widening of Orcutt Road.

The applicants may request that the City enter into a reimbursement agreement for costs associated with improvements that are beyond the scope of the development project. The reimbursement agreement will be at the sole discretion of the City and final cost estimates and reimbursements amount will be subject to prior approval of the Director of Public Works. The amount of reimbursement shall be as determined by the Public Works Director, taking into consideration the project's percentile contribution to traffic volumes caused by other known development projects at this intersection, or the percentile increase in average vehicle delay attributable to project traffic.

TR/mm-5 Prior to ~~development plan approval~~ issuance of building permits, the applicants for the Tumbling Waters project component shall submit revised site plans showing an at-grade sidewalk or pedestrian path on the south side of Orcutt Road from its proposed terminus at the rail crossing to Laurel Lane to provide a continuous pedestrian facility. Implementation of this mitigation measure shall be coordinated with Union Pacific Railway and the California Public Utilities Commission.

Prior to issuance of occupancy permits, the applicants shall either: 1) complete the improvements subject to review, inspection and permit issuance by the City, the California Public Utilities Commission (CPUC) and Union Pacific Railroad, or 2) subject to approval of the Director of Public Works, deposit a mitigation fee in an amount equal to the estimated construction costs of said project and request that the City become the lead entity in processing a CPUC Encroachment Permit for said work.

Prior to ~~development plan approval~~ issuance of building permits, the applicants for the Creekstön project component shall submit revised site plans showing a sidewalk or pedestrian path through the northern parking lot on the Creekstön parcel to direct pedestrians to Orcutt Road. The sidewalk or path shall be located adjacent to and outside of the 20-foot setbacks from Bishop Creek, as identified in the Biological Resources section of the EIR.

TR/mm-6 Prior to ~~development plan approval~~ issuance of building permits, the applicants shall revise site plans shall to include striped, Class II bicycle lanes along eastbound and westbound Orcutt Road. These Class II bicycle lanes shall provide a connection to the Railroad Recreational Trail.

TR/mm-7 Prior to ~~development plan approval~~ issuance of building permits, the applicants shall revise site plans to include increasing the proposed width (24 feet) of the Sacramento Drive extension to provide five-foot Class II bike lanes on both sides.

TR/mm-8 Prior to ~~development plan approval~~ issuance of building permits, the project applicants shall revise site plans to show the provision a bus stop along the project's frontage on Orcutt Road at McMillian Avenue. Prior to issuance of building permits, the applicant shall coordinate with San Luis Obispo Transit and provide all funding for the installation of transit signs, schedule, and a bench at the new bus stop location. All transit improvements shall be installed prior to occupancy clearance.

TR/mm-9 Prior to ~~development plan approval~~ issuance of building permits, the Creekstön applicant shall modify site plans to show removal of the proposed median modification that would allow southbound left-turn access on Broad Street to the Creekstön driveway.

TR/mm-10 Prior to issuance of building permits for any proposed future development on the Broad Street Parcels, project plans shall show a driveway at the southern boundary of the project site aligning directly with Rockview Place. The site access for the Broad Street parcels shall be reviewed and approved by the City Public Works Department.

TR/mm-11 Prior to occupancy clearance, the Tumbling Waters applicant shall stripe a "Keep Clear" legend within Sacramento Drive at the northernmost Tumbling Waters driveway.

TR/mm-12 Prior to ~~development plan approval~~ issuance of building permits, the Tumbling Waters applicant shall revise all site plans to show either of the following requirements:

- a. The southernmost driveway shall be restricted to emergency vehicle and pedestrian/bicycle access to minimize vehicular conflicts on the curved alignment of Sacramento Drive. Should this driveway be restricted to emergency vehicles only, the east-west aisle located immediately north can be extended to Sacramento Drive and a new driveway could be installed. This driveway would be located at the northern end of Sacramento Drive where the roadway includes a straighter alignment, which would provide improved sight distance for drivers of exiting vehicles; or,
- b. The southernmost driveway shall be restricted to right-turns in and out to minimize vehicular conflicts on the curved alignment of Sacramento Drive.

TR/mm-13 Prior to ~~development plan approval~~ issuance of building permits, the Tumbling Waters applicant shall modify site plans to show the west side of the main north-south aisle adjacent to the Village Plaza & Hall designated as a passenger loading zone. The designated passenger loading zone would be available for school bus drop-off/pick-up and for closure for community events. The east-west aisle shall remain open at all times.

TR/mm-14 Prior to ~~development plan approval~~ issuance of building permits, the main circulation aisle in the Creekstön development shall be reconfigured to allow through access between the residential and commercial uses. Implementation of this mitigation would remove the proposed dead-end aisles on the main circulation aisle and improve overall vehicular access to and through the site.

TR/mm-15 Prior to ~~development plan approval~~ issuance of building permits, the Tumbling Waters and Creekstön applicants shall coordinate with the San Luis Obispo City Fire Department to determine the acceptable parameters for all dead-end aisles to ensure that emergency vehicle access is available. Design features, such as a “hammerhead,” would be required to reduce the number of three-point turns vehicles have to make to enter/exit the affected areas. Plans shall be revised to reflect necessary changes to dead-end aisles.

TR/mm-16 Prior to ~~development plan approval~~ issuance of building permits, the Tumbling Waters and Creekstön applicants shall revise all site plans to show locations of all grouped mail boxes located adjacent to private streets rather than public streets. The location of the grouped mailboxes shall be approved by City staff.

TR/mm-17 Prior to ~~development plan approval~~ issuance of building permits, the Creekstön applicant shall submit revised site plans that show no parking spaces located along the entry roadway within 50 feet of ~~any driveway intersection~~ the project entrance located on Broad Street.

~~TR/mm-18 Prior to issuance of building permits for the proposed project, site plans shall be submitted that include the provision for an adequate number of parking spaces, as required by Municipal Code section 17.16.060.~~

~~TR/mm-19 Prior to issuance of building permits for the proposed project, site plans shall be submitted that include the provision for an adequate number of bicycle spaces, as required by City Municipal Code.~~

TR/mm-20 Prior to issuance of occupancy permits, project applicants shall make “fair share” contributions to the City’s Transportation Impact Fee (TIF) program for the installation of a signal at the Duncan Road/Orcutt Road/Sacramento Drive intersection. If at the time of issuance of permits, the TIF program has not been modified to reflect the costs of the necessary signalization, the applicant shall be responsible for paying current TIF fees plus a mitigation fee associated with the estimated cost differential.

TR/mm-21 In order to mitigate buildout level traffic conditions the intersection will need to be widened so as to provide for dual left turn lanes, two through lanes and an exclusive right turn lane in the northbound direction on Broad Street. This project is currently not included in the City’s TIF program. However, the program is being updated and may be amended to include it in the future. Prior to issuance of ~~occupancy~~ building permits, project applicants shall make “fair share” contributions to the City’s Transportation Impact Fee (TIF) program for widening of the south leg of the Broad Street/South Street (Broad Street) intersection for said improvements. ~~the addition of a dedicated southbound right turn lane at the intersection of Broad Street and South Street.~~ If at the time of issuance of building permits, the TIF program has not been modified to reflect the costs of the necessary intersection or roadway improvement, the applicant shall be responsible for paying current TIF fees plus a “fair share” mitigation fee, as determined by the Director of Public Works, associated with the estimated ~~cost differential~~ intersection improvements.

TR/mm-21a Prior to issuance of building permits, project applicants shall make “fair share” contributions to the City’s Transportation Impact Fee (TIF) program for the installation of a signal at the Broad Street/Capitolio Way intersection.

TR/mm-22 Prior to issuance of occupancy permits, project applicants shall make “fair share” contributions to the City’s Transportation Impact Fee (TIF) program for the addition of a second northbound left-turn lane and southbound right-turn overlap phase at the intersection of Broad Street and Prado Road. ~~If at the time of issuance of permits, the TIF program has not been modified to reflect the costs of the necessary intersection or roadway improvement, the applicant shall be responsible for paying current TIF fees plus a mitigation fee associated with the estimated cost differential.~~

3. Air Quality

AQ/mm-1 Prior to issuance of grading permits, the applicant shall submit a Construction Activities Management Plan for the review and approval of the SLOAPCD. This plan shall include but not be limited to the following Best Available Control Technology for diesel-fueled construction equipment:

- a. Minimize the number of large pieces of construction equipment operating during any given period.
- b. Schedule construction related truck/equipment trips during non-peak hours to reduce peak-hour emissions.
- c. Properly maintain and tune all construction equipment according to manufacturer’s specifications.
- d. Fuel all off-road and portable diesel powered equipment including but not limited to: bulldozers, graders, cranes, loaders, scrapers, backhoes, generators, compressors, auxiliary power units, with CARB motor vehicle diesel fuel.
- e. Use 1996 or newer heavy duty off road vehicles to the extent feasible.
- f. ~~Use Caterpillar pre-chamber diesel engines (or equivalent) together with proper maintenance and operation to reduce emissions of oxides of nitrogen (NO_x).~~
- g. Electrify equipment where possible.
- h. Use Compressed Natural Gas (CNG), liquefied natural gas (LNG), bio-diesel, or propane for on-site mobile equipment instead of diesel-powered equipment.

AQ/mm-2 Prior to issuance of grading permits, the applicants shall:

- a. Submit a Suitability Report identifying and explaining the particular constraints to using the preferred catalytic soot filter for APCD review and approval. Suitability shall be determined by an authorized representative of the filter manufacturer, or an independent California Licensed Mechanical Engineer.
- b. Identify equipment to be operated during construction as early as possible in order to place the order for the appropriate filter and avoid any project delays.
- c. Include the following specifications on all project plans: Catalyzed diesel particulate filters (CDPF) shall be used on the pieces of equipment estimated to generate the greatest emissions. Emissions from the entire project, including potential hauling activities, shall be evaluated by the APCD as the final grading quantities are known, and the number of

filters required based on this estimate. The number of filters required for onsite construction equipment shall be determined after total impacts from the project are known.

- ~~i. One catalyzed diesel particulate filter (CDPF) shall be used on the piece of equipment estimated to generate the greatest emissions. This is necessary so that contractors bidding on the project can include the purchase, proper installation, and maintenance costs in their bids. If a CDPF is unsuitable for the potential equipment to be controlled, five diesel oxidation catalysts (DOC) shall be used.~~
 - ~~ii. The trucks used to haul export/import material to and from the project site shall be primarily assigned to this task and be controlled with on-road style CDPFs. After the disposal plan has been defined, the project applicants shall complete an addendum to the Construction Activity Management Plan (as defined in AQ/mm-1) to define the appropriate number of trucks that will use these emission control devices.~~
- d. Contact the APCD Planning Department (805-781-5912) to initiate implementation of this mitigation measure at least two months prior to start of construction. The APCD encourages that catalysts be retained and maintained by contractors for future emission reductions and potential benefits for future project bidding.

AQ/mm-3 Prior to issuance of grading permits, if it is determined that portable engines and portable equipment will be utilized, the contractor shall contact the SLOAPCD and obtain a permit to operate portable engines or portable equipment, and shall be registered in the statewide portable equipment registration program. Contact APCD Engineering Department at 781-5912.

AQ/mm-4 Prior to issuance of grading permits, a Dust Control Plan shall be prepared and submitted to the APCD for approval prior to commencement of construction activities. The Dust Control Plan shall:

- a. Use APCD approved BMPs and dust mitigation measures;
- b. Provide provisions for monitoring dust and construction debris during construction;
- c. Designate a person or persons to monitor the dust control program and to order increased watering or other measures as necessary to prevent transport of dust off-site. Duties should include holiday and weekend periods when work may not be in progress;
- d. Provide the name and telephone number of such persons to the APCD prior to construction commencement.
- e. Identify compliant handling procedures.
- f. Fill out a daily dust observation log.

AQ/mm-5 Prior to issuance of grading permits, the applicant shall:

- a. Obtain a compliance review with the APCD prior to the initiation of any construction activities;
- b. Provide a list of all heavy-duty construction equipment operating at the site to the APCD. The list shall include the make, model, engine size, and year of each piece of equipment. This compliance review will identify all equipment and operations requiring permits and will assist in the identification of suitable equipment for the catalyzed diesel particulate filter;

- c. Apply for an Authority to Construct from the APCD.

AQ/mm-6 Prior to issuance of grading permits, the following mitigation measures shall be shown on all project plans and implemented during the appropriate grading and construction phases to reduce PM₁₀ emissions during earth moving activities:

- a. Reduce the amount of the disturbed area where possible.
- b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible.
- c. All dirt stockpile areas shall be sprayed daily as needed.
- d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
- e. All disturbed soil areas not subject to re-vegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- f. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible after initial site grading. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Vehicle speed for all construction vehicles shall be posted to not exceed 15 mph on any unpaved surface at the construction site.
- h. All trucks hauling dirt, sand, or other loose materials are to be covered or shall maintain at least two feet of free board (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- i. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- j. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used when feasible.
- k. Permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities.

AQ/mm-7 During construction, the applicant shall maintain monthly compliance checks throughout the construction phase, verifying that all equipment and operations continue to comply with the APCD requirements.

AQ/mm-8 Prior to ~~development plan approval~~ [issuance of building permits](#), the applicants shall:

- a. Conduct a geologic analysis to ensure the presence/absence of serpentine rock onsite. The geologic analysis shall identify if naturally occurring asbestos is contained within the serpentine rock onsite; and,
- b. If naturally occurring asbestos is found at the project site, [the applicant must comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures \(ATCM\). In addition,](#) the applicants shall work with the APCD to prepare an APCD-approved Asbestos Health and Safety Program and an Asbestos Dust Control Plan prior to ~~development plan approval~~ [issuance of building permits](#). The Asbestos Health and Safety

Program and Asbestos Dust Control Plan may include, but is not limited to, the following:

- i. Equipment operator safety requirements: protective clothing, breathing apparatuses to prevent inhalation of airborne asbestos fibers,
- ii. Dust mitigation measures: continually water site to prevent airborne dust migration, cover all vehicle that haul materials from the site
- iii. Identification of APCD-approved disposal areas for all excavated materials.

c. If naturally occurring asbestos is not present, an exemption request must be filed with the APCD.

AQ/mm-9 Prior to Plan approval, the following measures shall be included as conditions of approval for any future proposed development within the Broad Street Parcels component. Prior to commencement of demolition activities, the applicant shall:

- a. Notify the APCD at least 10 working days prior to commencement of any demolition activities;
- b. Conduct an Asbestos survey by a Certified Asbestos Inspector;
- c. Use applicable disposal and removal requirements for any identified asbestos containing material.
- d. Contact the SLOAPCD Enforcement Division prior to final approval of any demolition activity.

AQ/mm-10 Prior to ~~development plan approval~~ issuance of building permits, the following mitigation measures shall be implemented to reduce area source emissions, to the greatest extent feasible.

- a. Increase walls and attic insulation by 10% above what is required by APCD Title 24.
- b. Plant shade trees along the southern exposures of buildings to reduce summer cooling needs.
- c. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles.
- d. Use built-in energy efficient appliances.
- e. Orient buildings toward streets with convenient pedestrian and transit access.
- f. Use double-paned windows.
- g. Use low-energy parking lot and streetlights. (e.g. sodium), consistent with visual policies.
- h. Use energy efficient interior lighting.
- i. Incorporate energy efficient skylights into roof plan (i.e. should meet the EPA/DOE Energy Star® rating).
- j. Install high efficiency or gas space heating.
- k. Install door sweeps and weather stripping if more efficient doors and windows are not available.

AQ/mm-11 Prior to ~~development plan approval~~ issuance of building permits, the following mitigation measures shall be implemented, where applicable, to reduce area source emissions resulting from the use of wood-burning stoves. The SLOAPCD approved devices for new homes under APCD Rule 504 include:

- a. All EPA-Certified Phase II wood burning devices;
- b. Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- c. Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- d. Pellet-fueled wood heaters; and,
- e. Dedicated gas-fired fireplaces.

AQ/mm-12 Based on the Mitigation Threshold Guide (Table 5-1 in the SLOPAPCD CEQA Air Quality Handbook), all of the standard mitigation measures and all of the feasible discretionary mitigation measures identified within the APCD Handbook would apply to the proposed project. The City of San Luis Obispo has met with the APCD to define which measures would be most effective at mitigating impacts from the proposed project. According to APCD recommendations, the applicant shall:

- a. Provide transit bus stop enhancements, information kiosk, smart signs, shelter, and lighting within the project area;
- b. Provide bicycle paths for project and connecting to Railroad Bicycle Path (as required by TR/mm-6)
- c. Provide onsite long and short-term bicycle parking for residential and commercial elements of the project;
- d. Implement onsite circulation design element in parking lots to reduce vehicle queuing and improve the pedestrian and bicycle environment;
- e. Provide continuous walkways separated from the roadway by landscaping and on street parking;
- f. Include internal wiring/cable in dwelling unit that allows telecomm uniting and teleconferencing to occur simultaneously in at least three locations in each home;
- g. Provide pedestrian signalization and signage to improve pedestrian safety;
- h. Establish a buffer zone between the railroad and the residential portion of the project;

~~Prior to development plan approval, the applicants, the APCD, the Community Development Director, and the Public Works Transportation Division shall meet and define the amount of funding needed to offset vehicle emissions from the project that will be used to implement agreed-upon mitigation measures, which may include but not be limited to the following list:~~

- ~~a. Institute a Flash Pass program for employees using public transit.~~
- ~~b. Install or contribute to funding alternative fueling infrastructure (i.e. fueling stations for CNG, LPG, bio-diesel, conductive and inductive electric vehicle charging, etc.).~~
- ~~c. Fund a program to buy and scrap older, higher emission passenger and heavy duty vehicles.~~
- ~~d. Replace/repower heavy duty diesel vehicles (i.e. bus, passenger, or maintenance vehicles).~~
- ~~e. Purchase particulate filters or oxidation catalysts for local school buses, transit fleets.~~
- ~~f. Provide assistance in the implementation of projects that are identified in the City's Bicycle Transportation Plan.~~
- ~~g. Use alternatively fueled delivery vehicles.~~

- ~~h. Provide transit stop enhancements (i.e., shelters, lighting, etc.) within the project impact area.~~
- ~~i. Implement a comprehensive Transportation Demand Management program for employees subject to the approval of the APCD.~~
- ~~j. Provide on-site long and short-term bicycle parking, per existing City ordinance requirements.~~
- ~~k. Provide preferential carpool parking for employees.~~
- ~~l. Establish an Employee Trip Reduction Program (ETRP) to reduce employee commute trips (i.e. carpooling incentives, van pools, and transit subsidies).~~
- ~~m. Employ and implement a transportation/rideshare coordinator.~~
- ~~n. Implement a lunchtime shuttle to reduce single-occupant vehicle trips.~~
- ~~o. Provide on-site eating, refrigeration, vending for employees.~~
- ~~p. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.~~

AQ/mm-13 Prior to ~~development plan approval~~ issuance of building permits, the applicants shall prepare an aggressive tree planting and landscape plan using species endemic to the area to be prepared as a part of the proposed development and shall be developed in coordination with the APCD and the Community Development Director. The tree planting and landscape plan shall include deciduous trees, planted so that they can shade buildings in the summer, decrease indoor temperatures, and reduce energy demands for air conditioning and fossil fuel emissions.

AQ/mm-14 Based on the Mitigation Threshold Guide (Table 5-1 in the SLOPAPCD CEQA Air Quality Handbook), all of the standard mitigation measures and all of the feasible discretionary mitigation measures identified within the APCD Handbook would apply to the proposed project. The City of San Luis Obispo has met with the APCD to define which measures would be most effective at mitigating impacts from the proposed project. According to APCD recommendations, the applicant shall:

- a. Provide assistance in the implementation of projects that are identified in the City's Bicycle Transportation Plan or establish an easement and extend the Railroad Bicycle Path along the frontage between the Tumbling Waters development and the railroad.

~~Prior to development plan approval, the applicants, the APCD, the Community Development Director, and the Public Works Transportation Division shall meet and define the amount of funding needed to offset long-term operational impacts emissions from the project that will be used to implement agreed-upon off-site mitigation measures. The off-site strategies identified below provide a range of options available to mitigate significant emissions impacts from large residential projects:~~

- ~~a. Develop or improve park-and-ride lots.~~
- ~~b. Retrofit existing homes in the project area with APCD-approved wood combustion devices.~~
- ~~c. Retrofit existing homes in the project area with energy-efficient devices.~~
- ~~d. Retrofit existing businesses in the project area with energy-efficient devices.~~
- ~~e. Construct satellite worksites.~~
- ~~f. Fund a program to buy and scrap older, higher-emission passenger and heavy-duty vehicles.~~
- ~~g. Replace/repower transit buses.~~

- ~~h. Replace/repower heavy-duty diesel school vehicles (i.e. bus, passenger or maintenance vehicles).~~
- ~~i. Fund an electric lawn and garden equipment exchange program.~~
- ~~j. Retrofit or repower heavy-duty construction equipment, or on-road vehicles.~~
- ~~k. Repower or contribute to funding clean diesel locomotive main or auxiliary engines.~~
- ~~l. Purchase particulate filters or oxidation catalysts for local school buses, transit buses or construction fleets.~~
- ~~m. Install or contribute to funding alternative fueling infrastructure (i.e. fueling stations for CNG, LPG, conductive and inductive electric vehicle charging, etc.).~~
- ~~n. Fund expansion of existing transit services.~~
- ~~o. Fund public transit bus shelters.~~
- ~~p. Subsidize vanpool programs.~~
- ~~q. Subsidize transportation alternative incentive programs.~~
- ~~r. Contribute to funding of new bike lanes.~~
- ~~s. Install bicycle storage facilities.~~
- ~~t. Provide assistance in the implementation of projects that are identified in City's Bicycle Transportation Plan.~~

AQ/mm-15 Prior to approval of the development plan, the City shall coordinate with the APCD to determine appropriate mixed-use designations and to determine potential uses that would require APCD permit approval.

4. Noise

NS/mm-1 Prior to issuance of building permits, the applicants shall submit a Noise Reduction Plan prepared by a qualified acoustical consultant for review and approval by the City Planning Department. The Noise Reduction Plan shall include but is not limited to:

- a. Limit all phases of construction to the hours of 7:00 AM to 10:00 PM Monday through Friday as required by City ordinance;
- b. Regular notification of all existing and future residences within 1,000 feet of the site boundary concerning the construction schedule;
- c. Shield especially loud pieces of stationary construction equipment;
- d. Locate portable generators, air compressors, etc. away from sensitive noise receptors;
- e. Limit grouping major pieces of equipment operating in one area to the greatest extent feasible;
- f. Place heavily trafficked areas such as the maintenance yard, equipment, tool, and other construction oriented operations in locations that would be the least disruptive to surrounding sensitive noise receptors;
- g. Use newer equipment that is quieter and ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational. Internal combustion engines used for any purpose on or related to the job shall be equipped with a muffler or baffle of a type recommended by the manufacturer;
- h. Conduct worker-training meetings to educate and encourage noise awareness and sensitivity. This training should focus on worker conduct while in the vicinity of sensitive receptors (i.e. minimizing and locating the use of circular saws in areas adjacent to

sensitive receptors and being mindful of shouting and the loud use of attention drawing language); and,

- i. Notify surrounding residences in advance of the construction schedule when unavoidable construction noise and upcoming construction activities likely to produce an adverse noise environment are expected. Noticing shall provide phone number of project monitor, City inspector, construction foreman etc. This notice shall be given one week in advance, and at a minimum of one day in advance of anticipated activities have changed. Project representative shall verbally notify all surrounding residential owners.

NS/mm-2 Prior to issuance of building permits, the applicants shall submit revised plans for the review and approval of the City Community Development Director and the Architectural Review Commission that include the implementation of mitigation strategies, which would attenuate outdoor noise levels below the 60 dB threshold. The applicant shall comply with one of the following:

- a. The applicant shall implement the following noise mitigation strategy, which has been modeled and determined to attenuate outdoor activity area noise levels to below the 60 dB threshold.
 - Design the buildings that are adjacent to and bordering Orcutt Road and Broad Street (refer to Figures NS-4 and NS-5) such that the outdoor activity areas are located the farthest distance from the right-of-way line as possible, (other structures depicted in Figures NS-4 and NS-5 would be located far enough away from the roadway and shielded by other structures to be in compliance with the Noise Element). To accomplish this, orient the structure such that the building is between the source of noise and the outdoor activity area. In this way, the structure provides a shielding effect for the outdoor activity area from the noise source (refer to Figures NS-4 and NS-5 for building orientation direction).
 - Implement sound barriers as depicted in Figures NS-4 and NS-5 along building exteriors adjacent to the noise source to attenuate noise levels for the various floors of the project components. The barriers would need to sufficiently wrap around the end structures and break the line of sight to attenuate noise levels. Physical sound barriers shall be built to the heights recommended in Figures NS-4 and NS-5. The sound barriers would be most effective when placed as close to the structures as possible and in the arrangements shown. There are a number of aesthetic treatments that could be included in the design to help visually soften the sound barrier.

Or,

- b. The applicant shall submit proposed alternative mitigation strategies and shall demonstrate that the alternative mitigation strategies would attenuate outdoor noise levels below 60 dB. An individual deemed qualified in noise analysis by the City of San Luis Obispo shall model the effectiveness of the alternative mitigation strategies to verify that outdoor activity area noise levels would be attenuated below 60 dB. Modeling and or/reporting shall be conducted using verifiable methodologies. Acceptable combinations of mitigation strategies include the installation of physical sound barriers in conjunction

with architectural design features, setbacks from the noise source, and/or the elimination of outdoor activity areas.

NS/mm-3 Prior to final inspection or occupancy, whichever occurs first, the applicants shall provide the Community Development Director with a report from an engineer qualified in noise analysis, indicating that outdoor noise mitigation measures have been installed as discussed in NS/mm-2.

NS/mm-4 Prior to issuance of building permits, the applicants shall submit revised plans for the review and approval of the City Community Development Director ~~that provide interior noise mitigation for the project site. The mitigation measures outlined below shall be implemented in order to provide effective mitigation, that include the implementation of mitigation strategies, which would attenuate interior noise levels to below the 45 dB Ldn threshold and the 60 dB SEL (single event level) maximum threshold. The applicant shall comply with one of the following:~~

a. The applicant shall implement the following noise mitigation strategy, which has determined to attenuate interior noise levels to below the 45 dB Ldn threshold and the 60 dB SEL (single event level) maximum threshold.

- ☒ Vents and roof penetrations: Soffit vents, cave vents, dormer vents and other wall and roof penetrations shall be located on the walls and roofs facing away from the noise source wherever possible. In addition, any roof and attic facing the noise source shall be baffled.
- ☒ Walls: The walls of habitable spaces of dwelling units nearest the noise source shall have wall construction with an S.T.C. (Sound Transmission Class) rating of 30 or greater. For instance, stucco exterior or equivalent on 2" x 6" stud walls with minimum R-13 insulation and two layers of 1/2" gypsum board on the interior will provide an S.T.C. rating of 30 or greater along these walls. The same S.T.C rating of 30 or greater can be achieved with a 1/2" soundboard applied to the outside of the 2" x 6" studs with minimum R-13 insulation and one layer of 1/2" gypsum board on the interior.
- ☒ Acoustical Leaks: Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues and other breaks in the integrity of the wall, ceiling, or roof construction on the side of the dwellings nearest transportation noise source shall receive special attention during construction. All construction openings and joints on the walls on the noise facing side of the project shall be insulated, sealed, and caulked with a resilient, non-hardening, acoustical caulking material. All such openings and joints shall be airtight to maintain sound isolation.
- ☒ Windows: To meet the interior L_{dn} 45 dBA requirements, windows for habitable spaces of affected units facing the noise source shall be of minimum double-glazed construction and installed with an interior glass sash in accordance with the recommendations of the manufacturer. The windows shall be fully gasketed, with an

S.T.C. rating of 30 or better, as determined in testing by an accredited acoustical laboratory. Windows and sliding glass doors shall be mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).

- Doors: Exterior doors shall be of solid core, with perimeter weather stripping and threshold seals on all exterior doors of impacted units facing the noise source shown in Figure NS-6.

Or,

- b. The applicant shall submit proposed alternative mitigation strategies and shall demonstrate that the alternative mitigation strategies would attenuate interior noise levels below the 45 dB Ldn threshold and the 60 dB SEL (single event level) maximum threshold. An individual deemed qualified in noise analysis by the City of San Luis Obispo shall model the effectiveness of the alternative mitigation strategies to verify that interior noise levels would be attenuated below the 45 dB Ldn threshold and the 60 dB SEL (single event level) maximum threshold. Modeling and or/reporting shall be conducted using verifiable methodologies.

NS/mm-5 Prior to issuance of building permits, the applicants shall submit revised plans for the review and approval of the City Community Development Director that provide the structures highlighted in Figure NS-6 with air conditioning units and mechanical ventilation systems so the windows can remain closed during summer months and still achieve interior noise standards.

NS/mm-6 Prior to final inspection or occupancy, whichever occurs first, the applicants shall provide the Community Development Director with a report from an engineer qualified in noise analysis, noting that interior noise mitigation measures have been installed as discussed in this EIR.

NS/mm-7 Prior to recordation of the Final Map, the applicants shall develop Covenants, Codes, and Restrictions (Cars) that disclose to potential property owners, tenants, etc., that there would be times where residents are subject to outdoor noise levels that exceed the allowable Ldn noise thresholds defined in the City Noise Element due to railroad traffic from Amtrak and the UPRR.

NS/mm-8 Prior to issuance of building permits, the applicant shall revise site plans to show the provision of double glazed laminated windows that have a minimum 10 mm thickness with a 12 mm space and 6.4 mm laminated surface for all windows facing the railroad tracks (refer to Figure NS-6).

5. Hazards and Hazardous Materials

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.

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.*

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.*

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.

HAZ/mm-7a Prior to issuance of occupancy permits, the applicant shall submit to the Community Development Department evidence that they have either worked with UPRR and have established a “No Idling Zone” along the project frontage or that they have worked with SLOAPCD and have developed and implemented a comparable mitigation approach that eliminated diesel particulate health risks to adjacent residents.

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 risks associated with diesel particulate matter.

~~**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.~~

~~**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.~~

6. Utilities

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.

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.

7. Aesthetic Resources

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.

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.

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.

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.

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.

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.

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.

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

8. Issues Evaluated with Insignificant Impacts

INSIG/mm-1 Prior to issuance of ~~building grading~~ permits, the applicant ~~incorporate into the grading plans~~ shall list on site 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.

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.

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.

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.

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.

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 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.

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IX. REFERENCES AND REPORT PREPARATION

A. REFERENCES

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B. EIR PREPARERS

This EIR has been prepared by the Morro Group, Inc., in association with the City of San Luis Obispo other independent consultants. Project Director for the EIR was Bill Henry, AICP, Vice President, Morro Group, Inc. The following is a list of individuals responsible for preparation of the EIR.

Responsibilities	EIR Preparer
Introduction; Summary; Project Description; Environmental Setting; Recreation; Other Issues; Alternatives Analysis; Environmental Analysis; Mitigation Monitoring and Reporting Program	Sarah Spann, Project Manager Morro Group, Inc.
Biological Resources	Geoff Hoetker, Associate Biologist Morro Group, Inc.
Air Quality; Noise; Hazards and Hazardous Materials; Utilities; Geology and Hydrology	Karl Mikel, EIT Morro Group, Inc.
Transportation and Circulation	Sohrab Rashid, P.E., Senior Associate Norman Wong, Senior Transportation Engineer Fehr & Peers Transportation Consultants
Aesthetic Resources	Bob Carr Visual Resources Consultant
Cultural Resources	Robert O. Gibson, Principal Archaeologist Gibson's Archaeological Consulting
Hazards and Hazardous Materials (Phase II Environmental Site Assessment)	Timothy Conroy, Senior Geologist Earth Systems Pacific

X. RESPONSE TO COMMENTS

A. LIST OF COMMENTS RECEIVED

The following agencies and members of the public have prepared comments on the Draft EIR:

Federal, State and Local Agencies	
State of California Office of Planning and Research Letter of July 15, 2005	P.O. Box 3044 Sacramento, CA 95812-3044 Contact: Terry Roberts
City of San Luis Obispo Planning Commission Minutes Minutes of May 25, 2005	Council Chamber of City Hall 990 Palm Street San Luis Obispo, CA 93406
San Luis Obispo County Air Pollution Control District Letter of June 30, 2005	3433 Roberto Court San Luis Obispo, CA 93401 Contact: Melissa Guise
State of California Department of Fish and Game Letter of June 15, 2005	P.O. Box 47 Yountville, CA 94599 Contact: Robert W. Floerke
State of California Department of Transportation Letter of July 14, 2005	50 Higuera Street San Luis Obispo, CA 93401-5415 Contact: James Kilmer
State of California Public Utilities Commission Letter of June 13, 2005	505 Van Ness Avenue San Francisco, CA 94102-3298 Contact: Kevin Boles

Applicant/Agent	
David Wolff Environmental Letter of July 1, 2005	P.O. Box 6552 Los Osos, CA 93412 Contact: David Wolff
Oasis Associates, Inc. Letter of July 6, 2005	3427 Miguelito Court San Luis Obispo, CA 93401 Contact: C.M. Florence, AICP
Orcutt Associates, LLC Letter of June 27, 2005 Fax of July 8, 2005	12730 High Bluff Drive, Suite 180 San Diego, CA 92130 Contact: Patrick J. Brown

General Public and Private Organizations	
Residents for Quality Neighbors Letter of July 14, 2005	P.O. Box 12604 San Luis Obispo, CA 93406 Contact: Brett Cross

The letters of comment are given in the above order with the responses following the individual letters. Letters of comment are reproduced in total, and numerical annotation has been added as appropriate to delineate and reference the responses to those comments. The pages of the letters have been re-numbered to conform to the page sequence of this section.



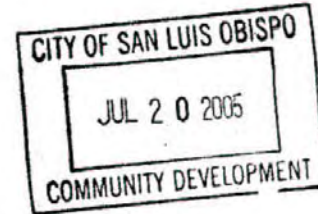
Arnold Schwarzenegger
Governor

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



Sean Walsh
Director

July 15, 2005



Michael Codron
San Luis Obispo County Community Development Department
990 Palm Street
San Luis Obispo, CA 93401-3249

Subject: Four Creeks Rezoning Project
SCH#: 2004071043

Dear Michael Codron:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 14, 2005, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

1.1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

1. Office of Planning and Research

1.1 Comment noted. No revisions to the EIR are necessary.

**SAN LUIS OBISPO
PLANNING COMMISSION MINUTES
May 25, 2005**

CALL TO ORDER/PLEDGE OF ALLEGIANCE:

The San Luis Obispo Planning Commission was called to order at 7:00 p.m. on Wednesday, May 25, 2005, in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo.

ROLL CALL:

Present: Commissioners Andrea Miller, Orval Osborne, Vice-Chair Jim Aiken, Chairperson Michael Boswell, Alice Loh, Andrew Carter, and Carlyn Christianson

Absent: None

Staff: Deputy Community Development Director Ronald Whisenand, Associate Planner Michael Codron, Assistant City Attorney Christine Dietrick, and Recording Secretary Kim Main

ACCEPTANCE OF THE AGENDA

The agenda was accepted as presented.

APPROVAL OF THE MINUTES:

The minutes of May 11, 2005 were approved as amended.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments made from the public.

PUBLIC HEARING ITEMS:

1. **3190, 3196, 3220, 3232, 3240, and 3250 South Higuera Street**, PD 43-05: Amend use list to allow banks and broadcast studios, and laboratories with approved Planning Commission use permit; O-PD zone; Walter Brothers Construction, applicant. (*Buzz Kalkowski*)

Ronald Whisenand, Deputy Director, presented the staff report with a recommendation that the City Council modify the use list to allow bank/savings and loans and broadcast studios, and to allow laboratories (medical, analytical) with a Planning Commission Use Permit.

PUBLIC COMMENTS:

Bruce Fraser, applicant's representative, answered questions pertaining to the development plans.

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There were no further comments made from the public.

COMMISSION COMMENTS:

On motion by Commissioner Loh to recommend the City Council modify PD-1457, to allow banks/savings & loans and broadcast studios, and to allow laboratories (medical, analytical) with a Planning Commission Use Permit. Seconded by Commissioner Osborne.

AYES: Commrs. Miller, Osborne, Aiken, Boswell, Loh, Carter, and Christianson
NOES: None
ABSENT: None
ABSTAIN: None

The motion carried on a 7:0 vote.

- 2. **Open Space.** GPC 77-05: Review of a proposed dedication to the City of a conservation easement for a 62.5 acre portion of the 92 acre Congregation Beth David property at the southeast corner of Los Osos Valley Road and Foothill Blvd. and it's conformity with the City's General Plan; City of San Luis Obispo, applicant. *(Neil Havlik)*

Neil Havlik, Natural Resources Manager, presented the staff report and recommended that the Commission determine and report to the City Council that the proposed property easement on a 62.5 acre portion of the Congregation Beth David property acquisition conforms with the General Plan

PUBLIC COMMENTS:

There were no comments made from the public.

COMMISSION COMMENTS:

Discussion focused on the types of uses of the property, such as continued grazing that would be consistent with open space and agricultural preservation, and the potential for future development of a portion of the project site that is not part of current development plan and is outside of the conservation easement.

On motion by Commr. Miller, to determine and report to the City Council that the proposed property easement on a 62.5 acre portion of the Congregation Beth David property acquisition conforms with the General Plan. Seconded by Commissioner Loh.

AYES: Commrs. Miller, Osborne, Aiken, Boswell, Loh, Carter, and Christianson
NOES: None
ABSENT: None
ABSTAIN: None

The motion carried on a 7: 0 vote.

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- 3. **861, 953, 791 Orcutt Road, 3330, 3370, 3388, 3398, 3366, & 3360 Broad Street.**
ER 114-02: Review of the Draft EIR for the Four Creeks project, which includes a Planned Development rezone and subdivision with 261 homes and 12,000 sq. ft. of commercial floor area; M-PD and C-S-S zones; City of San Luis Obispo, W.E.T. Inc., and PARC North Associates, LLC, applicants. *(Michael Codron)*

Associate Planner Michael Codron presented the staff report recommending the Commission hear the presentation by City staff and accept public testimony on the Draft Environmental Impact Report for the Four Creeks project, including a general plan amendment, Planned Development rezone and subdivision with 261 homes and 12,000 sq. ft. of commercial floor area.

PUBLIC COMMENTS:

Carol Florence, applicant's representative for the Creekston project, presented the Commission with a written, 2-page preliminary response to the Draft EIR for the project which expressed concerns regarding the potential cost and uncertainty for reimbursement of required off-site improvements. She briefly discussed ways that noise and aesthetics impacts would be addressed with plan revisions.

Jim Murar, applicant for the Tumbling Waters project, introduced himself, and noted his willingness to work with City staff on addressing the issues identified in the EIR.

Bill Tickell, applicant for the Creekston project, introduced himself and thanked the Commission for their input.

There were no further comments made from the public.

COMMISSION COMMENTS:

It was noted that the public comment period on the EIR runs through July 6, 2005. The Commission discussed each of the issue areas where potentially significant impacts are identified in the environmental document. These include traffic, biological resources, aesthetics, noise, hazards, air quality and utilities.

2.1

Commr. Carter expressed his concerns with the applicant's responsibilities to pay for existing Police and Fire service deficiencies; the cost of adding traffic lanes on Orcutt Road and Broad Street; the possibility of losing project density because of requirements to preserve scenic views on Orcutt Road; and mandated design changes to attenuate noise.

2.2

Commr. Miller noted her concerns with the height of the buildings and needed density, the noise of the railroad and the use of a sound wall. She asked staff where the location of the transit stop would be.

2.3

Commr. Aiken explained the function of the materials typically used in a sound barrier wall, noting that the City has an ordinance on sound levels.

2.4

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Commr. Christianson questioned who had the responsibility for paying for an increase in Police and Fire service; concurred with the concerns noted by other Commissioners; and discussed traffic impacts. **2.5**

Commr. Loh asked several questions about the visual simulation, building height and the density of the project. She commented on traffic, bike lanes and the use of pedestrian walks, and asked for clarification on the wastewater service to the site. **2.6**

Commr. Boswell asked for better graphics of the proposed project; expressed his concerns on drainage issues and the wetlands in the setback area; asked if any eucalyptus trees would be removed; requested more information on the traffic mitigation requirements; and asked for clarification on how the air quality mitigation measures would be resolved. He noted the applicants should be using the latest type of energy efficient lighting, which is LED, and asked if the Airport Land Use Commission approves of the density on this project. **2.7**

No action was taken on this project. Staff indicated that the project would return to the Planning Commission in August or September, provided major project issues could be resolved adequately in time.

- 4. **Citywide.** Review of the City's proposed 2005-2007 Capital Improvement Program for conformity with the City's General Plan; City of San Luis Obispo, applicant. *(John Mandeville)*

Michael Codron, Associate Planner, presented the staff report on General Plan Conformity for the Capital Improvement Plan, Appendix B of the 2005 – 2007 Financial Plan. Three projects were identified where conformity could not be determined until more project details and information were available. These projects include the Downtown Urban Forest Management Plan, the Andrews Creek Bypass project and the Palm-Nipomo Parking Structure.

PUBLIC COMMENTS:

There were no comments made from the public.

COMMISSION COMMENTS:

On motion by Commr. Christianson to approve the General Plan Conformity Report for the Capital Improvement Plan, Appendix B of the 2005 – 2007 Financial Plan and report to the City Council with qualifications as noted. Seconded by Commr. Loh.

- AYES:** Comms. Christianson, Loh, Miller, Osborne, Carter, Boswell and Aiken
- NOES:** None
- ABSENT:** None
- ABSTAIN:** None

The motion carried on a 7: 0 vote.

Planning Commission Minutes
May 25, 2005
Page 5

5. Staff

- A. Ronald Whisenand gave an agenda forecast of upcoming projects and meetings.

6. Commission

ADJOURNMENT:

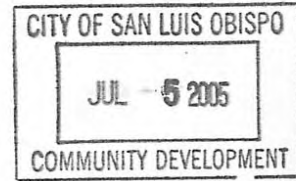
ADJOURN to the regular meeting of the Planning Commission scheduled for Wednesday June 8, 2005, at 7:00 p.m. in the Council Chamber of City Hall, 990 Palm Street.

Respectfully submitted by

Kim Main
Recording Secretary

2. Planning Commission Minutes

- 2.1 Comment noted. No revisions to the EIR are necessary.
- 2.2 Revisions have been made to the Transportation and Circulation and Hazards sections of the EIR in response to this comment and comments from the project applicant; refer to response to comments 8.11 and 8.23. The mitigation measures identified within the Aesthetics section of the EIR, which include building height reductions, are necessary in order to mitigate aesthetics impacts to less than significant levels. In addition, the mitigation measures recommended in the noise section are necessary in order to mitigate interior and exterior noise impacts to less than significant levels. The City Council has the option of making findings that the recommended mitigation is infeasible and can prepare a statement of overriding considerations, provided that there is substantial evidence in the record. No additional revisions to the EIR are necessary.
- 2.3 Refer to response to comment 2.2 regarding building heights. Railroad noise impacts and mitigation measures are addressed within the Noise section of the EIR; refer to Section V.D. No revisions to the EIR are necessary.
- 2.4 Comment noted. No revisions to the EIR are necessary.
- 2.5 Revisions have been made to the Transportation and Circulation and Hazards sections of the EIR in response to this comment and comments from the project applicant; refer to response to comments 8.11 and 8.23. No additional revisions to the EIR are necessary.
- 2.6 Refer to response to comment 8.29, which describes the methodology used in the EIR to evaluate visual impacts. Several revisions have been made to the Transportation and Circulation section of the EIR; refer to section V.B. No additional revisions to the EIR are necessary.
- 2.7 Drainage issues are discussed within the Geology and Hydrology section of the EIR; refer to section V.H.1. There are mitigation measures identified within the EIR that address eucalyptus tree removal; refer to BIO/mm-17 on page BIO-36 and AES/mm-7 on page AES-33. Several revisions have been made to the mitigation measures within the Transportation and Circulation section of the EIR; refer to section V.B. The City of San Luis Obispo Community Development Department has met with the APCD to resolve any outstanding air quality issues and define which measures would be most effective at mitigating impacts from the proposed project. Revisions to the Air Quality section of the EIR have been made in response to comments from the APCD; refer to AQ/mm-12 on page AQ-21 and AQ/mm-14 on page AQ-22. No additional revisions to the EIR are necessary.



June 30, 2005

Michael Codron
 City of San Luis Obispo
 Community development Department
 990 Palm Street
 San Luis Obispo, CA 93401

SUBJECT: Four Creeks Project Draft Environmental Impact Report (SCH# 2004071043)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located on Orcutt Road in San Luis Obispo. The project as proposed includes the Tumbling Water development (152 fourplex units, 23 duplex units, and a 2,750 sq. ft. multi-purpose building), the Creekston Development with 86 residential units, 7,200 sq. ft. commercial space, and 2,500 sq. ft. day care facility.

3.1

GENERAL COMMENTS:

We would like to commend the applicant for proposing development within the urban reserve line. The District supports higher density development within the urban core, as opposed to development at the urban fringe. This in-fill development makes walking, bicycling and public transportation more viable, decreasing dependence on driving and therefore reducing emissions from motor vehicles. This type of project is consistent with the goals and policies of the District's Clean Air Plan.

3.2

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

3.3

SPECIFIC COMMENTS:

Section V.C Air Quality, Air Quality Monitoring, page AQ-2

It should be noted that ConocoPhillips is the current owner of the refinery on the Mesa not Tosco.

3.4

Section V.C Air Quality, Project Specific Impacts and Mitigations, AQ/mm-1, page AQ-13

District staff agrees with all of the mitigation measures listed under AQ/mm-1 except item f. The District no longer recommends the use of Caterpillar pre-chamber diesel engines. This measure should be removed from the list.

3.5

Section V.C Air Quality, Project Specific Impacts and Mitigations, AQ/mm-2, page AQ-14

District staff agrees with the approach and estimates used for calculating the construction phase

3.6

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 info@slocleanair.org ❖ www.slocleanair.org

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Four Creeks EIR
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emissions from this project. As indicated on page AQ-11 quantifiable emission estimated from the activities associated with trucking excavated material off site were not included in the emission estimates presented in the DEIR, due to project variables and uncertainties at this point in the development process. However, to full assess all impacts from the project this data is needed. Specific recommendations can not be made regarding the number of catalyst needed for the project until the full impact of the project can be assessed. Once the applicant(s) has determined the haul volumes, these numbers should be provided to the Air District. Those emissions will be included with the previously calculated emissions presented in the EIR and a determination will be made regarding the number of filter required for the project. From past experience the District has found that utilizing catalyst on haul truck can be difficult. It is hard for contractors to get a dedicated fleet of vehicles that has filters. Therefore, **District staff recommends that the following modifications be made to AQ/mm-2:**

3.6
cont'd.

c.i Emission from the entire project including potential hauling activities should be evaluated and the number of filters required based on this estimate. The number of filters required will be determined after the total impacts from the project are assessed.

c.ii For reasons sited above, District staffs recommends this measure for filters on haul trucks be removed from the DEIR.

Section V.C Air Quality, Project Specific Impacts and Mitigations, AO/ mm-8, page AO-17

3.7

In addition to the requirements listed for addressing Naturally Occurring Asbestos (NOA) the following clause should be added: **If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.**

Section V.C Air Quality, Project Specific Impacts and Mitigations, AO/ mm-9, page AO-18

3.8

Section (a) of mitigation measures AQ/mm-8, relating to asbestos demolition activities should be modified to read as follows: **Written notification must be provided to the APCD at least 10 working days prior to the start of any demolition activities.**

Section V.C Air Quality, Project Specific Impacts and Mitigations,

3.9

In addition to the construction mitigation measures outlined in the DEIR **the following provision should be included in the project** to address permit issues:

Based on the information provided, we are unsure of the types of equipment that may be present at the site. **Permits could be required during both construction and operation of the new facilities.**

1) Construction Phase - Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or a District permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive.

- Portable generators (50 hp or greater)
- Concrete batch plants
- Rock and pavement crushing

Four Creeks EIR
June 30, 2005
Page 3 of 5

- Tub grinders
- Trommel screens

2) Operational Phase- Stationary equipment installed as part of the project could require District permits. **Based on the information provided in the project referral it is not clear what will be store or activities conducted in the warehouse. Potential uses that could be subject to District permit approval include, but are not limited to the following:**

- Food and beverage preparation (primarily coffee roasters)
- Dry cleaning

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Incompatible Uses

Since there are single family dwellings to the south of this project special consideration should be given to potential incompatibility issues. In addition, District Rule 402 "Nuisance" Rule will be applicable should complaints (i.e. dust or odor) result from the facility operations. A copy of Rule 402 included as Attachment 2 for your review.

In addition, since offices and a warehouse are planned for this building it is important to keep in mind that some uses may not be compatible and could result in potential nuisance problems (i.e. odors and/or dust). Therefore, it is essential that individual uses be carefully evaluated. The following are examples of uses that could be problematic if office quarters are included in the same building:

- Coffee Roasters
- Furniture refurbishing/refinishing
- Any type of spray paint operation
- Nail Salon

Section V.C Air Quality, Project Specific Impacts and Mitigations, Table AQ-7, page AQ 19

District staff reviewed URBEMIS presented in Appendix F. It appears, in Table AQ-7 the data has been switched for the Creekston and Tumbling Water projects. **The table should be reviewed and corrected as necessary.**

Section V.C Air Quality, Project Specific Impacts and Mitigations, AQ/mm-12 page AQ 20 and 21

Base on conversations between the District and City Planner Michael Codron, the District recommends that AQ/mm-12 be consolidated to include the following mitigation measures.

Based on our evaluation of the measures recommended in the EIR District staff believe the measures listed below will be most affective at mitigating impacts from the project.

- Provide transit bus stop enhancements, information kiosk, smart signs, shelter, and lighting, within the project area.

3.9
cont'd.

3.10

3.11

3.12

Four Creeks EIR
 June 30, 2005
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- Provide bicycle paths for project and connecting to Railroad Bicycle Path (addressed in TR/mm-6, page TR-29).
- Provide onsite long and short term bicycle parking for residential and commercial elements of the project.
- Implement on-site circulation design element in parking lots to reduce vehicle queuing and improve the pedestrian and bicycle environment.
- Provide continuous walkways separated from the roadway by landscaping and on street parking.
- Include internal wiring/cable in dwelling unit that allows telecomm uniting and teleconferencing to occur simultaneously in at least three locations in each home.
- Provide pedestrian signalization and signage to improve pedestrian safety
- Establish a buffer zone between the rail road and the residential portion of the project.
- As discussed below, diesel exhaust from trains can present a hazard to local residents due to the diesel particulate matter in the exhaust. The applicant should work with the railroad to establish a no idling zone in the vicinity of the project to reduce potential exposure to diesel particulate matter. Signs should be posted by the railroad to designate the zone as a no idling zone.

3.12
 cont'd.

Section V.C Air Quality, Project Specific Impacts and Mitigations, AQ/mm-14, pages AQ 22

Base on conversations between the District and City Planner Michael Codron, the District recommends that AQ/mm-14 be consolidated to include the following mitigation measures. **Based on our evaluation of the measures recommended in the EIR District staff believes this measure along with the other listed in the DEIR and in this letter will mitigating impacts from the project.**

3.13

- Provide assistance in the implementation of projects that are identified in the City's Bicycle Transportation Plan or establish an easement and extend the Railroad Bicycle Path along the frontage between Tumbling Waters and the railroad.

Section V.C Air Quality, Cumulative Impacts, pages AQ-23

As indicated above the District strongly supports this type of infill development. The guiding principals and strategies in the Clean Air Plan emphasize these types of smart growth principals. The growth and build out projections in the CAP take into account development and infill within the urban reserve line.

3.14

Section V.E Hazards and hazardous Materials

On page HAZ-1 various hazard in the area are discussed the rail road is mentioned as a hazard due to frequent at grade train movement and the transport of hazardous materials. The diesel exhaust from the locomotive can also present a hazard to local residents due to the diesel particulate matter in the exhaust.

3.15

In July of 1999 the California Air Resource Board (ARB) listed diesel particulate matter (diesel PM) emissions from diesel-fueled engines as a toxic air contaminant with no identified threshold level below which there are no significant effects. The railroad is located next to the proposed Tumbling Water development. Diesel exhaust from train activity in the area could present a risk

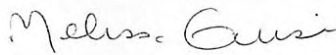
Four Creeks EIR
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to residences in the area. As indicated above the project proponent should work with the rail road to establish a no idling zone in the vicinity of the project, prior to the start of the project. This zone should be marked and enforced by the railroad to reduce potential risk to residents.

**3.15
cont'd.**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-4667.

Sincerely,



Melissa Guise
Air Quality Specialist

cc: Tim Fuhs, SLOAPCD Enforcement Division
Karen Brooks, SLOAPCD Enforcement Division
David Dixon, SLOAPCD Engineering Division

Attachments

h:\o\slplan\response\2889-2.doc

ATTACHMENT 1

**Naturally Occurring Asbestos – Construction & Grading
Project – Exemption Request Form**

Send To:

Attachment 1

San Luis Obispo County Air
Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401



Fax: (805) 781-1002

Applicant Information/ Property Owner		Project Name	
Address		Project Address and /or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Phone Number	Date Submitted	Agent	Phone Number

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout "ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements".

APPLICANT MUST SIGN BELOW
I request the San Luis Obispo Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.
Legal Declaration/Authorized Signature:
Date:

OFFICE USE ONLY – APCD Required Element – Geological Evaluation			
APCD Staff:		Intake Date:	OIS Tracking Number:
Approved	Not Approved	APCD Staff:	Date Reviewed:
Comments:			

3. San Luis Obispo County Air Pollution Control District

- 3.1 Comment noted. No revisions to the EIR are necessary.
- 3.2 Comment noted. No revisions to the EIR are necessary.
- 3.3 Each of the action items contained in the APCD letter have been addressed within the Air Quality section of the EIR, and are described in greater detail in response to comments 3.4 through 3.15.
- 3.4 The Air Quality section of the EIR has been revised in response to this comment; refer to page AQ-2.
- 3.5 The Air Quality section of the EIR has been revised in response to this comment; refer to AQ/mm-1 on page AQ-13.
- 3.6 As proposed, the project would not involve off-site disposal of excess soil material. Should the project description change, emission estimates would need to be reevaluated to account for the additional emissions associated with offsite haul trips. Measure c.i. of AQ/mm-2 on page AQ-14 has been modified to reflect the concerns of APCD staff and account for the possibility of offsite haul trips.
- 3.7 The Air Quality section of the EIR has been revised in response to this comment; refer to AQ/mm-8 on page AQ-17.
- 3.8 Measure a. of AQ/mm-8 does not relate to asbestos demolition activities; however, AQ/mm-9 on page AQ-18 has been modified to reflect the concerns APCD staff.
- 3.9 If portable equipment is proposed for use during construction, AQ/mm-3 requires the applicants to obtain a permit to operate portable engines or portable equipment from the APCD. AQ/mm-15 requires the City of San Luis Obispo to consult with the APCD prior to City approval of the development plan in order to determine if any of the proposed commercial uses onsite would be incompatible or would require District permits. No revisions to the EIR are necessary.
- 3.10 AQ/mm-15 requires the City of San Luis Obispo to consult with the APCD prior to City approval of the development plan in order to determine if any of the proposed commercial uses onsite would be incompatible or would require District permits. No revisions to the EIR are necessary.
- 3.11 The Air Quality section of the EIR has been revised in response to this comment; refer to Table AQ-7 on page AQ-19.
- 3.12 The Air Quality section of the EIR has been revised in response to this comment; refer to AQ/mm-12 on page AQ-21. Concerns associate with exposure to diesel particulate matter have been addressed within the Hazards section of the EIR; refer to response to comment 3.15.

- 3.13 The Air Quality section of the EIR has been revised in response to this comment; refer to AQ/mm-14 on page AQ-22.
- 3.14 Comment noted. No revisions to the EIR are necessary.
- 3.15 The Hazards and Hazardous Materials section of the EIR has been revised in response to this comment; refer to pages HAZ-3 and HAZ-22.

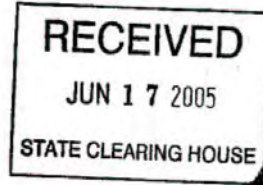


State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME
<http://www.dfg.ca.gov>
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

ARNOLD SCHWARZENEGGER, Governor

*clear
7/14/05
c*

June 15, 2005



Mr. Michael Codron
City of San Luis Obispo
990 Palm Street
San Luis Obispo, CA 93401-3249

Dear Mr. Codron:

Four Creeks Rezoning Project
City of San Luis Obispo
SCH # 2004071043

The Department of Fish and Game (DFG) has reviewed the document for the subject project. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G)¹. Therefore, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the San Luis County Clerk on or before filing of the Notice of Determination for this project.

4.1

Given the limited area onsite for wetland and riparian mitigation, DFG recommends offsite mitigation at an appropriate site where the appropriate functions and values can be established. The project proponent should identify an appropriate mitigation site and prepare a mitigation plan approved by DFG and other agencies prior to ground breaking activities.

4.2

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Streambed Alteration Agreement (SAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of SAAs is

4.3

4.4

¹ <http://ccr.oal.ca.gov/>. Find California Code of Regulations, Title 14 Natural Resources, Division 1, Section 753

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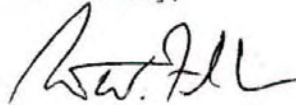
Mr. Michael Codron
June 15, 2005
Page 2

subject to the California Environmental Quality Act (CEQA). DFG, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the SAA notification process, please access our website at www.dfg.ca.gov/1600; or to request a notification package, contact the Streambed Alteration Program at (707) 944-5520.

4.4
cont'd.

If you have any questions, please contact Ms. Deb Hillyard, Environmental Scientist, at (805) 772-4318; or Mr. Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525.

Sincerely,



Robert W. Floerke
Regional Manager
Central Coast Region

cc: State Clearinghouse

4. State of California Department of Fish and Game

- 4.1 Comment noted. An environmental filing will be required prior to filing of the Notice of Determination for the proposed project. No revisions to the EIR are necessary.
- 4.2 If on-site mitigation for permanent loss of wetlands is not feasible, BIO/mm-14 on page BIO-32 requires the applicants to identify an offsite mitigation component to the required Revegetation and Restoration Plan, subject to review and approval by the Department of Fish and Game and any other jurisdictional agencies. No revisions to the EIR are necessary.
- 4.3 BIO/mm-9 requires the applicants to obtain all necessary permits, approvals, and authorizations from jurisdictional agencies prior to issuance of grading permits. No revisions to the EIR are necessary.
- 4.4 The Biological Resources section of the EIR identifies the potential impacts to stream and riparian resources and provides recommendation mitigation measures to reduce the significance of these impacts. No revisions to the EIR are necessary.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
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July 14, 2005

SLO – 227 PM R12.03
Four Creeks Rezoning Project
Draft EIR – NOC

SCH # 2004071043

Michael Condron
City of San Luis Obispo
Community Development Department
990 Palm Street
San Luis Obispo, CA 93401-3249

Dear Mr. Condron;

The California Department of Transportation has reviewed the environmental document for the Four Creeks Rezoning Project to gauge its effects on State Route 227, and as a result, the following comments were generated.

1. (Ref. Page TR-22, *Project Specific Impacts and Mitigation Measures, TR Impact 1 Broad Street and South Street Intersection*) The DEIR does not offer an evaluation of project-generated traffic impacts during the a.m. peak hour. The mitigation measures that are listed, e.g., adding a second northbound State Route (SR) 227 left-turn by eliminating a through-lane lane at South Street, may have a contrary and non-beneficial effect on the a.m. traffic flow. Therefore, the strategy mentioned above may be not be viable mitigation for the a.m. peak hour scenario. For this reason, the Department cannot approve the traffic mitigation that is offered as TR/mm-1.

5.1

Prior to The Department approving this mitigation strategy, the a.m. peak hour scenarios will need to be provided and the analysis studied. However, in lieu of revising the DEIR traffic study to include the a.m. peak hour traffic scenarios, additional language in the TR-1 Impact discussion may be offered. Language to the effect that adds, "the functional equivalent of" the traffic mitigation offered in the DEIR - subject to Caltrans' approval at a future date may be acceptable. This allows in effect, the issue of identifying mitigation acceptable to the Department, to be studied further in the encroachment permit phase, and offered as a condition for that discretionary permit.

"Caltrans improves mobility across California"

Mr. Condron
 July 14, 2005
 Page 2

2. (Ref. Page TR-24, *Project Specific Impacts and Mitigation Measures, TR Impact 2 Broad Street/Capitolio ...Intersection, TR Impact 2, TR/mm-2*). The Department cannot approve the placement of a traffic signal at the intersection of Broad Street and Capitolio Way at this time. 5.2

The traffic study shows that the current Level of Service (LOS) at SR 227/Industrial Way is LOS "B" under signal control, and LOS "D" at SR 227/Capitolio Way which is under 2-way stop control. It would therefore be more logical to assume that a greater preponderance of Four Creeks generated traffic would be assigned to an intersection on SR 227 that required less of a wait to access (less delay). This would be the path of least resistance. The current left-turn out at Industrial Way is 212 and 36 out @ Capitolio Way. Under Baseline conditions, Industrial Way is 234 out (+22) and Capitolio Way is 63 (+27) out. Finally, under project conditions, Industrial Way is 234 out (no change) and Capitolio Way is 73 out (+10). The Department finds it less likely that an intersection with a current left-turn movement of 212 will only add 22 new trips while an unsignalized intersection with a current left turn movement of 36 vehicles will add 37 new trips. The probability is that most new trips (if not all) will go to the signalized intersection of Industrial Way and use that left turn movement because there is very little delay. 5.3

An alternate mitigation strategy needs to be identified. In previous Development Review comment letters to the city, The Department has made known that the widening of Capitolio Way to accommodate a dedicated right-turn lane onto SR 227 would achieve an improvement in the reduction of delay experienced by westbound Capitolio Way traffic turning onto SR 227. The largest volume of westbound Capitolio traffic is turning right onto SR 227. Creating a dedicated westbound right-turn lane will improve the LOS at this intersection without the need for a traffic signal on SR 227. 5.4

Furthermore, The Department will not be able to provide additional input regarding the need for a traffic signal at this location until the City of San Luis Obispo determines precisely where Prado Road will connect to SR 227 and a complete signal warrant analysis based upon 12 hour turning movement counts is provided for our review. 5.5

Another alternate project-specific mitigation strategy for the Four Creeks Project would be the modification of the left-turn channelization on southbound 227 at Capitolio Way. Again, the traffic study in the DEIR does not identify this as a mitigation strategy, but a revised traffic study should include this. 5.6

"Caltrans improves mobility across California"

Mr. Condon
July 14, 2005
Page 3

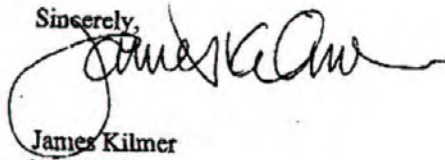
3. (Ref. Appendix 1, Creekston Drainage Report, Page 5, Section VI, *Risk Assessment/Impacts Discussion*) The Department is concerned about the effects that project-generated stormwater runoff will have on its box culvert at SR 227 downstream from the project site. Although the drainage report states that the project will not increase the 100-year flow coming into the box culvert, this statement is not supported in enough detail in the study. The study needs to provide the following information to the Department:

5.7

- Documentation of input and output for software calculations
- Please justify the assumptions. Of particular interest to the Department are the curve numbers (CN) used for the predevelopment flow calculations. The CN provided in the report appear very high. Also, references are made to the "Waterway Management Plan", but the relevant sections of the Plan are not provided, so there is no way to verify if what is being stated is correct. The drainage Report should be a stand-alone document. Please provide the Waterway Management Plan as an appendix item, or at least the relevant sections so that we may cross-reference your citations.
- Please provide details for the retention basins, including outlet structures so that we may verify assumptions made in the calculations.

Thank you for the opportunity to comment on the Four Creeks Rezoning Project DEIR. If you have any questions, please contact me at 549-3683.

Sincerely,



James Kilmer
District 5
Development Review/CEQA Coordination

c: File, D. Murray, R. Barnes, L. Wickham, A. Delgado, T. Farris, S. Snet, A. Donatello

"Caltrans improves mobility across California"

5. State of California Department of Transportation

- 5.1 The City of San Luis Obispo Community Development Department in consultation with the City Public Works Department provided the following response to this comment:

Per City policy, the scope of work required analysis of the PM peak hour conditions. The decision to use PM peak trip information in the EIR reflects the fact that the PM peak is the high volume condition and is therefore the driving factor with respect to any required intersection modifications or improvements. The City would be required to secure an encroachment permit from the California Department of Transportation (Caltrans) for any required improvements or modifications to the Broad Street/South Street intersection. If Caltrans is interested in reviewing the AM peak trip information as part of its review of a future encroachment permit application, then such information can be provided to Caltrans at that time. However, it should be noted that an AM peak trip analysis would consider a lower volume condition and therefore would not change a City requirement to mitigate unacceptable LOS during the PM peak.

No revisions to the EIR are necessary.

- 5.2 The comment notes that Caltrans does not support the placement of a traffic signal at Broad Street and Capitolio way at this time. The Transportation and Circulation section of the EIR has been revised in response to this comment; refer to pages TR-24 through TR-26. Information has been added to the EIR that recognizes the planned improvements for the Capitolio Road/Broad Street intersection, which are part of the development of the approved Cinderella Carpets project, located at 3510 Broad Street. Full build-out of the adjacent right-of-way (which includes widening the westbound approach of Capitolio to provide a dedicated right-turn lane onto Broad Street) is required by ordinance prior to project occupancy. With the installation of these improvements, the delay for westbound right-turns onto Broad Street, which constitutes the majority of vehicle traffic at this intersection, will improve to acceptable levels. As a result, these right-turns can be excluded from the peak-hour signal warrant analysis. The minimum volume thresholds for the peak-hour warrant are no longer satisfied with the exclusion of the westbound right-turn volumes and signalization is would not be warranted under Baseline and Baseline Plus Project conditions. Mitigation measure TR/mm-2 has been revised to reflect this change.
- 5.3 Project trip assignments were developed in consultation with the City of San Luis Obispo Public Works Department. Because Capitolio Way is the first cross street to intersect Broad Street, the project traffic traveling south on Sacramento from the project site was assigned to turn left onto Broad Street from Capitolio Way. The comment notes that some project traffic may continue south on Sacramento Drive to the signalized intersection at Broad Street and Industrial Way; however, it was determined that this route would not be used as frequently as Capitolio Way, because Sacramento Drive shifts eastward before it intersects Industrial Way and would require vehicles to travel a longer distance to get to Broad Street. No revisions to the EIR are necessary.

- 5.4 The Transportation and Circulation section of the EIR has been revised in response to this comment; refer to pages TR-24 through TR-26 and response to comment 5.2.
- 5.5 Comment noted.
- 5.6 The widening of westbound Capitolio and striping of a dedicated right-turn lane for access onto Broad Street would reduce both westbound right-turn and westbound left-turn delays at the Broad Street/Capitolio Street intersection. Alternative mitigation strategies to modify the left turn channelization on southbound Broad Street would not be warranted. No revisions to the EIR are necessary.
- 5.7 The Drainage reports located in Appendix I have been reviewed and approved by the City of San Luis Obispo Department of Public Works. The reports 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. No revisions to the EIR are necessary.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

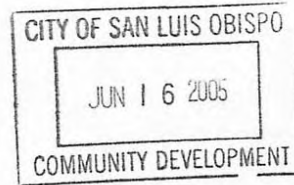
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



June 13, 2005

File No.:183-40
SCH#2004071043

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



Dear Mr. Codron:

Re: Four Creeks Rezoning Project

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to Union Pacific Railroad right-of-way.

6.1

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Of specific concern is the ability of the existing at-grade highway-rail crossing on Orcutt Road to handle additional traffic.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

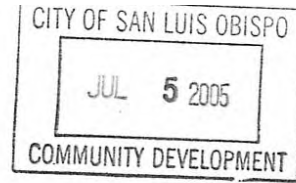
Very truly yours,

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Pat Kerr, UPRR

6. State of California Public Utilities Commission

- 6.1 Vehicle, pedestrian, and bicycle circulation patterns and their relationship to the nearby at-grade rail crossing have been discussed in the Transportation and Circulation section of the EIR. As applicable, mitigation measures reflect the need to coordinate with the Public Utilities Commission for recommended or proposed improvements that may either directly or indirectly impact UPRR right-of-way. No revisions to the EIR are necessary.



David Wolff Environmental

MEMORANDUM

P.O. Box 6552
Los Osos, CA 93412
805.235.5223
805.528.3504 FAX

DATE: July 1, 2005
TO: Pat Brown, RGC
FROM: David Wolff
SUBJECT: Four Creeks Rezoning Project - Tumbling Waters Draft EIR Comments

Pat,

At your request, I have reviewed the Four Creeks Rezoning Project Draft EIR (DEIR) and have provided the following comments on the DEIR for your consideration in discussions with the City of San Luis Obispo.

- Figures BIO-1 and BIO-2 have the eastern fork Escorp Drainage designated in the legend as "other waters wetlands." The Morro Group wetland delineation stated that the eastern fork Escorp Drainage did not support wetland vegetation or soils and was delineated as non-wetland "other waters." The EIR figures should be changed to reflect consistency with the wetland delineation, and EIR tables and discussions in the Bio Section. In addition, based on my field review with Bruce Henderson of the Corps, he did not see any clear physical evidence of an OHWM in the eastern fork Escorp Drainage suggested by the Morro Group as the top of bank of the swale feature in the eastern fork Escorp Drainage. The EIR even suggests that, "no noticeable scour, terracing, or other hydrologic evidence occurs below the tops of the banks." I would suggest that this drainage segment would not fall under DFG or Corps jurisdiction pending formal verification of the wetland delineation by the Corps. 7.1
- There are errors in the wetland indicator status of several species on wetland data sheet 3 in the wetland delineation included as an appendix to the EIR. These should be amended. 7.2
- As we have discussed, BIO/mm-8(a.) does not seem like a necessary effort given the dense riparian cover would be protected by the 20-foot setback requirement. Mapping the aerial extent of riparian habitat, clearly delineating the 20-foot setback on construction plans, and use of protective fencing in the field during construction should adequately address any potential impacts on riparian habitat that are not associated with road improvements. 7.3
- In regards to BIO/mm-13(b.), I would suggest that limiting salvage of impacted wetland vegetation to hand removal only seems unnecessarily prohibitive. I would recommend leaving the specific methods of wetland vegetation salvage from impacted areas up to the landscape contractor. Given that the areas will be impacted anyway, mechanical removal may be a preferred method to gather large clumps with root/rhizome masses for replanting in the mitigation area. 7.4
- In regards to BIO/mm-13(b.), I would suggest that limiting salvage of impacted wetland vegetation to hand removal only seems unnecessarily prohibitive. I would recommend leaving the specific methods of wetland vegetation salvage from impacted areas up to the landscape contractor. Given that the areas will be impacted anyway, mechanical removal may be a preferred method to gather large clumps with root/rhizome masses for replanting in the mitigation area. 7.5

Biological Resources Analysis, Planning & Monitoring
Regulatory Compliance Specialist

David@DKWEnvironmental.com
www.dkwenvironmental.com

- In regards to BIO Impact 4 and 5, I have conducted a botanical survey at appropriate times during the 2005 growing season and did not observe any of the sensitive plant species listed in the EIR. I will provide you a detailed letter documenting the methods and results of the botanical survey conducted by David Wolff Environmental.
- The DEIR impact statements, discussions, and mitigation measures in BIO Impact 2 (riparian) and BIO Impact 3 (wetlands) do not accommodate for the project revisions that have been designed to avoid and minimize impacts on wetland and riparian habitats in Escorp Drainage resulting from the Sacramento Road alignment. The project has been redesigned to realign Escorp Drainage to maintain an open channel section through the project site to the greatest extent practicable. Realignment of Escorp Drainage should be considered as temporary impacts with minimal loss of wetland values and functions from short-term temporal loss while the wetland/riparian vegetation in the newly constructed channel becomes established. Given there would be only several small willows removed, the riparian values lost would be short term as it is expected that replanted willows will grow quickly to provide similar riparian cover to the drainage. Existing in-channel wetland functions and values temporarily impacted would also be expected to recover within one or two growing seasons as this is composed of an easily reestablished herbaceous mostly rhizomatous plant species habitat type.

7.6

7.7

The Final EIR should establish impact statements and mitigation measures for the temporary impacts on wetland habitat and have onsite mitigation count at a 1:1 ratio since there would be a no net loss of wetlands since the open channel character of Escorp Drainage will be reestablished on site. It appears that the temporary wetland impacts on Escorp Drainage can be mitigated for the most part on site in the realigned channel section. Once the final site plan is approved, a final calculation of impacts and the available mitigation within the new channel section can be calculated. Any residual loss of wetlands in excess of that mitigated within the new channel section on site can have the 3:1 mitigation ratio applied as these would be considered a net loss of wetland values and functions. Similarly, the expected small amount of willow/riparian habitat impacted can be easily mitigated along the new channel section resulting in a no net loss as well. In addition, there will be ample opportunity to increase the woody riparian habitat values and functions along the new channel section well in excess of those impacted by the temporary realignment through implementation of a diverse woody riparian plant species planting plan.

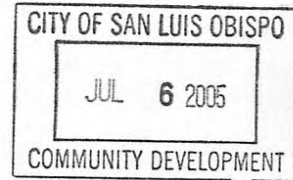
Thank you for the opportunity to assist with the continued refinement of the Tumbling Waters project to appropriately address the wetland and riparian impact issues. Please contact me directly if you have any questions or need any additional information.

7. David Wolff Environmental

- 7.1 Revisions were made to the Biological Resources section of the EIR in response to this comment; refer to Figures BIO-1 and BIO-2 on pages BIO-3 and BIO-25.
- 7.2 Although “no noticeable scour, terracing, or other hydrological evidence occurs below the tops of the banks” for the eastern fork of Escorp Drainage, the presence of bed and bank and connectivity to the main fork of Escorp Drainage suggests that this area qualifies as “other waters” rather than simply a non-jurisdictional erosional feature. Based on these existing conditions, the EIR consultant stands by the original field determination, and will defer to the formal field verification by USACOE for the final decision. No revisions to the EIR are necessary.
- 7.3 The following errors have been corrected in the Wetland Assessment (Appendix C): The wetland indicator status of *Picris echioides* has been changed from OBL to FAC, and *Cynodon dactylon* has been changed from FACW- to FAC. The percent of dominant species that are OBL, FACW, or FAC has also been changed from 67% to 100%. These changes do not affect the final determination for this particular Test Pit, which indicates that it occurs in an area with hydrophytic vegetation. No revisions to the EIR are necessary.
- 7.4 Comment noted. The Biological Resources mitigation measures have been reviewed and approved by the City Natural Resources Manager. The intent of this mitigation measure is to protect native trees and native riparian understory vegetation to the greatest extent feasible. Even if removal of riparian vegetation is not proposed, there will be construction activities within close proximity and within the 20-foot riparian setback boundary, with the potential to impact native vegetation. Without implementation of BIO/mm-8, impacts to riparian habitat would remain significant. No revisions to the EIR are necessary.
- 7.5 The Biological Resources section of the EIR has been revised to reflect this change; refer to BIO/mm-13 on page BIO-32.
- 7.6 Comment noted. The City of San Luis Obispo Natural Resources Manager shall review any applicant-conducted surveys to determine whether or not the requirements of this mitigation measure have been met. At the time of publication of the Final EIR, no documentation has been received regarding botanical surveys on the project site. No revisions to the EIR are necessary.
- 7.7 The EIR analysis was based on information provided by the project applicants in the Project Description, which did not include the realignment of Escorp Drainage. At this time, significant project revisions have not been made during the Draft Public Review period and will not be included as part of the EIR analysis. It is the prerogative of the City and the applicant to make substantial changes to the project description; however, as described in §15088.5 of the CEQA Guidelines, “A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under §15087 but before certification.” No revisions to the EIR are necessary.



O A S I S
L A N D S C A P E
A R C H I T E C T U R E
A N D P L A N N I N G



06 July 2005

Mr. Michael Codron
CITY OF SAN LUIS OBISPO
COMMUNITY DEVELOPMENT DEPARTMENT
990 Palm Street
San Luis Obispo, CA 93401

via electronic mail

RE: APPLICANT'S RESPONSE TO THE FOUR CREEKS REZONING PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR), SCH# 2004071043

Dear Michael,

Oasis Associates, Inc., representing the applicant W.E.T., Inc, in collaboration with William Earl Tickell Architects, has prepared the following comments to the DEIR. Our objective in providing these comments is to ensure accuracy of the EIR consultant's review of the technical and environmental aspects of the project, address the environmental determination, and the proposed mitigation measures. Inherent in our desire for accuracy is to provide the public, and ultimately the decision-makers with a focused and comprehensive document that allows for the maximum amount of public participation and the ability to balance environmental concerns with other social goals, respectively. Thank you in advance for your time and consideration. For ease of reference, our comments are presented pursuant to the organization of the sections in the Mitigation Monitoring and Reporting Plan – Chapter VIII.

General Comments

The applicant concurs with DEIR consultant's reference to the project objectives "The project was initiated in part by a request from the City of San Luis Obispo City Council to rezone the parcels to allow for high-density housing. In addition to the primary objective....., the proposed project incorporates several other community objectives..... the creation of community facilities, providing homes at affordable prices, maximization of the number of units while minimizing building coverage, varied architectural styles, energy efficiency, and several others."

8.1

Unfortunately, many of the proposed mitigation measures are counterintuitive to the stated goals and objectives, the original intentions of the City Council, and the applicant's thoughtful design concepts for the Creekston project. While the applicant agrees with many of the proposed mitigation measures, the following comments represent areas of disagreement or where specific measures require further clarification.

8.2

It is also noteworthy that the California Environmental Quality Act Guidelines clearly defines *mitigation* as measures required to lessen identified significant environmental impacts. Therefore, it is important to make a distinction between applicant proposed mitigation measures, existing

8.3

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SAN LUIS OBISPO
CALIFORNIA 93401

RLA 2248 • CLARB # 907

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OASIS ASSOCIATES, INC./W.E.T., Inc.
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codes, ordinances and/or other mandatory regulations (e.g., payment of existing fee programs) and the CEQA defined mitigation measures that are being recommended to reduce or avoid some impact on the environment. It is redundant and somewhat disingenuous to present the former as “mitigation measures” as they are “standard” requirements of most projects and as such, are not necessarily being proposed based upon a finding of significance. This distinction becomes important since the imposition of mitigation measures translates directly into a requirement for mitigation monitoring, which can become another unknown project cost.

8.3
cont'd.

Biological Resources

- 1. BIO/mm-5 – Oil and grease separators are typically a permanent features. Please clarify whether these will be required during construction or whether Best Management Practices as identified in the required SWPPP will adequately address this requirement.
- 2. BIO/mm-7 – The project can comply with the 20-foot creek setback *except* for the following:

8.4

- The location of the existing gas main, and associated offsets, would limit the development potential of the site. The adjacent development, at the corner of Broad Street and Orcutt Road, was granted a similar creek exception due to the same gas line.
- The pedestrian bridge, located between W.E.T., Inc. and Tumbling Waters.
- The vehicular/pedestrian bridge off of the Broad Street entry, and
- Pedestrian pathways and bio-swales.

8.5

Please verify that the setbacks were originally established by the Natural Resource Manager in consultation with the applicant (personnel communication between William E. Tickell, Sr. and Neil Havlik, 2003). Figure BIO-2 does not represent the agreed upon setbacks.

- 3. BIO/mm-8 – Clarify this measure to be required only if impacts to riparian vegetation occur. A separate measure could address protection measures.
- 4. BIO/mm-10 – One of the benefits of having a Natural Resource Manager and City Biologist is the experience, expertise and ability to monitor projects within the City limits. Based upon the City’s resources, is it necessary to provide funding for a third party monitor?
- 5. BIO/mm-13 – Reword to reflect that a wetland mitigation component would only be necessary if impacts to wetlands occur.
- 6. BIO/mm-15 – Is it necessary to conduct three separate surveys if the month of April is the common month for all three species?
- 7. BIO/mm-17 – Is this measure still applicable if no Eucalyptus trees are removed?

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Transportation and Circulation

- 8. TR/mm-1, 2, 3 & 4 – These specific mitigation measures have far-reaching financial implications that may be extremely difficult for the projects to assume. The applicant has

8.11

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initiated discussions with Public Works staff regarding the nexus between the projects and the mitigation measures, timing, funding and reimbursement opportunities.

**8.11
 cont'd.**

Other concerns include: a) timing and difficulty of obtaining permits from Caltrans; b) existing roadway deficiencies and burden for improvements placed solely on the Four Creeks applicants; c) recognition of future development's contribution to impacts and ability to assess a fair share of the improvement costs; d) recognition that other development projects may have already contributed to identified improvements (e.g., signal at Capitolio and Broad and funding from Cole Motors and the Broad Street Mixed-Use projects).

- 9. TR/mm-14 – The applicant's intent for the emergency-only access through the project was to create a green, semi-public, pedestrian-oriented core to the project that cannot be accomplished with through vehicular traffic. Early discussions with CDD and SLOFD staff, in addition to Council comments, guided the applicant to pursue this concept. The applicant does not concur with the consultant's proposed mitigation measure to reconfigure this area to allow for through access.
- 10. TR/mm-17 – This measure should be reworded to clarify that parking along the entry roadway is prohibited within 50-feet of entry on Broad Street. Is this an ordinance or code violation?
- 11. TR/mm-18 – Adequate parking, based upon the City's Zoning Regulations, is reflected on the current site plan.
- 12. TR/mm 20 – 22 – Please quantify what the "fair share" contribution of the individual projects would be for the various improvements.

8.12

8.13

8.14

8.15

Please clarify the last sentence of each of these measures that reads, "*If at the time of issuance of permit, the TIF program has not been modified to reflect the costs of the necessary intersection or roadway improvement, the applicant shall be responsible for paying current TIF fees plus a mitigation fee associated with the estimated cost differential.*"

8.16

Air Quality

- 13. AQ/mm-1 – 7 - These mitigation measures do not acknowledge or reflect the project's positive impacts on air quality that are inherent in the design concepts (i.e., mitigating for the City's housing imbalance and related reduction in number and distance of trips, proximity of proposed project to shopping, recreation opportunities and ability to increase pedestrian versus vehicular transportation modes, the live/work concept that inherently reduces trips and the addition of "green" roofs).
- 14. AQ/mm-5 – Define "compliance review" and the necessity of applying for an Authority to Construct from APCD.
- 15. AQ/mm-12 & 14 – The applicant requests that these mitigation measures be discussed, clearly defined, and agreed upon by City staff, APCD and the project proponents prior to

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finalizing the EIR. As written, the measures lack a definitive course of action, and will make the related financial obligation(s) an open ended proposition. Please clarify the criteria or formula utilized to determine “the amount of funding needed to offset vehicle emissions from the project”.

**8.19
 cont'd.**

- 16. AQ/mm-15 – One of the features of a Planned Development overlay zone, is the ability to identify and specify the allowable and compatible uses within a mixed-use development. It seems redundant and unnecessary to require coordination with the APCD.

8.20

Noise

- 17. NS/mm-4 – Change items a. – e. to bullets and add a mitigation similar to NS/mm-2 that allows the applicant to “submit proposed alternative mitigation strategies and shall demonstrate that the alternative mitigation strategies would attenuate indoor noise levels to 45dBA.” This would allow for flexibility in determining the project specific strategies to comply with the City’s Noise Ordinance threshold levels.

8.21

- 18. NS/mm-5 – Add language to reflect that this measure would be implemented only if recommended by the required Noise Reduction Plan.

8.22

Hazards and Hazardous Materials

- 19. HAZ/mm-8 & 10 – Similar to the comment to AQ/mm-12 & 14 above, the measures lack specificity and render the related financial obligation(s) an open ended proposition. The menu of items included in the Fire & Police Protection Plans appear to set a precedent that has not been required of other development projects. While there is an expectation that local taxes pays for these public services and that the area is adequately serviced by fire and police, the EIR identifies current deficiencies in the system(s). The applicant requests that these measures be discussed, and hopefully eliminated prior to finalizing the EIR.

8.23

Utilities

- 20. UTIL/mm-4 – This measure describes a serious deficiency in the wastewater conveyance system yet provides no meaningful discussion as to specific improvements, funding and/or timing to enable the applicant to properly plan for their respective projects. Please clarify how it is the applicant’s responsibility to provide evidence of adequate services.

8.24

Aesthetic

- 21. AES/mm-1 – The applicant disagrees with the consultant proposed decrease in height of the proposed project. With the retention of existing trees and the addition of new trees, views of the background hillsides, as depicted in the visual analysis, will not vary substantially. The applicant believes that with the increased height, greater project densities can be achieved in an appropriate and aesthetically pleasing architectural manner. Greater densities also provide for smaller units types that support the Housing Element’s policy for “affordability by design”.

8.25

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The applicant, in consideration of the potential impacts to views of the hillsides, has prepared a modified site plan to allow for a larger view corridor through the project from Orcutt Road. This site plan modification does not reflect the required height reduction. The applicant has also prepared a site section through Orcutt Road pursuant to the Planning Commission’s request.*

**8.25
 cont’d.**

- 22. AES/mm-3 – The applicant disagrees with the consultant proposed decrease in height of the loft structures. To respond to the recommended mitigation and in consideration of the “setting and pedestrian views”, the applicant has relocated the loft buildings to the west bank of Escorp Drainage (essentially a swap of the zero-lot line homes). Figure AES-4 should be revised to reflect this site plan modification and the retention of the existing Eucalyptus trees.
- 23. AES/mm-4 – This mitigation measure would not be applicable based upon the site plan modifications discussed in comment no. 22. above.
- 24. AES/mm-7 – Add the following language to the proposed mitigation measure, “Prior to issuance.....site and landscape plans to include the preservation and protection of the existing Eucalyptus trees along Sydney Creek *to the greatest extent possible. The applicant shall consult with the City’s Natural Resource Manager to identify Eucalyptus trees to remain and/or to be removed.*”

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*Please note that the following graphics will be provided by the applicant under separate cover:

- Colored revised site plan.
- Revised Figures AES-4, AES-5 and AES-6
- Graphic representation of “green” roofs.
- Section drawing through Orcutt Road and the proposed project, and
- Other miscellaneous renderings (e.g., bird’s eye view of project, enlargement of courtyards in the ‘Courtyard’ home product, etc.).

8.29

Issues Evaluated with Insignificant Impacts

- 25. INSIGmm/1 – Geotechnical and Soils Engineering Reports and related information are utilized by design professionals (architects, structural engineers, civil engineers) to design roadways, building foundations, walls, etc. It is not standard practice to include all of the information contained in these reports on a set of construction documents. The applicant requests that this measure be deleted.
- 26. INSIGmm/2 – 4 – The Initial Study identified that no impact would occur to historic, archeological, paleontological, or unique geologic resources. The DEIR acknowledges that these are issues that were evaluated with insignificant impacts. If correct, is it really necessary to prepare a cultural resources monitoring plan? The applicant requests that INSIG/mm2 – 4 be deleted.
- 27. INSIGmm/7 – 9 – These are not mitigation measures but standard conditions that the Public Works Department would apply to the proposed project for work within the public right-of-way. Since the noted measures do not constitute the full range of conditions

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typically placed on a project, it seems more appropriate to delete these in their entirety and follow the standard procedures already in place for this type of work.

- 28. INSIGmm/10 – The City’s Building Department currently has a procedure (requirement) for solid waste minimization in reference to recycling of demolition and construction waste. Is this measure a new program? INSIGmm/10d. (use of recycled materials in construction) would be more appropriately located in the Air Quality section of the document.
- 29. INSIGmm/11 – General solid waste containment issues are typically the purview of the Architectural Review Commission and are not always located within the “interior space”.

The applicant concurs that trees should be selected for both for their aesthetic and functional values. The applicant does not concur that only “slow-growing, drought-tolerant” plants be used in the landscape for the sole purpose of solid waste minimization. While the use of low-water use plants is an appropriate horticultural response to gardening in the arid West, the nexus to solid waste minimization is unclear. Fortunately, the citizens of San Luis Obispo have access to an aggressive green waste program for the very purpose of recycling and reuse (i.e., compost/mulch). The applicants are very sensitive to the landscape palette, energy conservation and the overall aesthetics of choosing the appropriate plant material for the project.

8.32
cont'd.
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8.35

END OF COMMENTS

On behalf of the applicant and the project consultant team, we greatly appreciate the opportunity to provide comments to the Draft Environmental Impact Report. Thank you in advance for your time and consideration. Should any of our comments require further explanation and/or clarification, please contact us.

Respectfully submitted,
OASIS ASSOCIATES, INC.



C.M. Florence, AICP Agent
W.E.T., Inc.

Attachment – 11” x 17” Reduced Modified Site Plan

c: B. & W. Tickell
03-0068

O:\Creekston - WET, Inc\Correspondence\W.E.T., Inc.finalrespDEIR.doc

8. Oasis Associates, Inc.

- 8.1 Comment noted. No revisions to the EIR are necessary.
- 8.2 The EIR includes only those mitigation measures that have a nexus to applicable impacts identified within the EIR (as evaluated per Federal, State and City thresholds) and that have been determined to be feasible. According to CEQA Guidelines §15364, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. The final determination of feasibility of mitigation measures is made by the decision makers when they prepare findings. No revisions to the EIR are necessary.
- 8.3 It is the opinion of the EIR consultant and the lead agency that the mitigation measures identified in the EIR are not disingenuous or burdensome; rather, they provide the decision makers and the public full disclosure of all options available for mitigation of project impacts. CEQA does not disallow the use of existing ordinance or regulations as mitigation measures within an EIR. On the contrary, it is standard practice for many lead agencies to identify those permit and ordinance requirements that are available for use as mitigation measures rather than creating new mitigation measures for each project. For example, EIR mitigation measures often rely on the payment of TIF and Quimby fees to mitigate for impacts related to Transportation and Recreation. In addition, it is common to require an applicant to obtain the appropriate permits from a regulatory agency such as the California Department of Fish and Game or the U.S. Army Corps of Engineers to mitigate for impacts to biological resources. The EIR includes only those mitigation measures that have a nexus to applicable impacts identified within the EIR (as evaluated per Federal, State and City thresholds) and that have been determined to be feasible. Per CEQA requirements (§15126.4), the mitigation measures are fully enforceable through permit conditions, agreements, or other legally binding instruments, and are consistent with all applicable constitutional requirements. No revisions to the EIR are necessary.
- 8.4 BIO/mm-5 addresses both construction and operational water quality impacts. The intent of the mitigation measure is for the filtration devices to be installed as a permanent feature. The Biological Resources section of the EIR has been revised in response to this comment; refer to BIO/mm-5 on page BIO-27.
- 8.5 BIO/mm-7 recognizes that some activities and improvements will take place within the 20-foot creek setback, and requires that all riparian vegetation planned for removal shall be specified on construction plans. The mitigation measures recommended in the Biological Resources section of the EIR have been reviewed and approved by the City of San Luis Obispo’s Natural Resources Manager. All riparian impacts and associated mitigation measures identified in the EIR are based on field surveys conducted for the EIR, as requested by the City of San Luis Obispo. These surveys represent the most current and accurate delineation of onsite riparian corridors. It would not be appropriate for the EIR to identify impacts based on setbacks from arbitrary riparian delineations identified in verbal discussions, and that do not relate to existing onsite conditions. No revisions to the EIR are necessary.

- 8.6 The intent of this mitigation measure is to protect native trees and native riparian understory vegetation to the greatest extent feasible. Even if removal of riparian vegetation is not proposed, there will be construction activities within close proximity and within the 20-foot riparian setback boundary, with the potential to impact native vegetation. Without implementation of BIO/mm-8, impacts to riparian habitat would remain significant. No revisions to the EIR are necessary.
- 8.7 The City Council will make the final decision regarding EIR-recommended mitigation measures. If the Council determines that the City has sufficient resources to perform the level of monitoring needed to mitigate for project impacts, then a third-party monitor may not be required. No revisions to the EIR are necessary.
- 8.8 Regardless of proposed impacts, the Revegetation and Restoration Plan will need to include an exhibit identifying the location of all wetland vegetation onsite, as identified in BIO/mm-13a. The Biological Resources section of the EIR has been revised in response to this comment; refer to BIO/mm-13 on page BIO-32.
- 8.9 BIO/mm-15 was developed based on recommendations located within the *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities*, published by the Department of Fish and Game. These Guidelines recommend that plant surveys be conducted in the field at the proper time of year when the sensitive species is both evident and identifiable. Usually, this is when the plants are flowering. The flowering period for the sensitive plant species varies each year depending on site characteristics (i.e., rainfall and temperature). The Guidelines further state that a sufficient number of visits should be spaced throughout the growing season in order to accurately determine what plants exist on the site. One survey in the month of April is not adequate to make an accurate and defensible determination of absence. No revisions to the EIR are necessary.
- 8.10 Monarch surveys will need to be conducted prior to construction, regardless of whether or not the eucalyptus trees end-up being removed. In addition to tree removal activities, other construction activities within close proximity to active roosts would result in significant impacts. If active roosts are observed, not only will any proposed tree removal activities be delayed, but, as identified within the EIR, “an appropriate setback for other construction-related activities shall be maintained until monarch butterflies have migrated from the site.” No revisions to the EIR are necessary.
- 8.11 The Transportation and Circulation section has been revised in response to this comment and comments from the California Department of Transportation; refer to pages TR-22 through -26 and pages TR-28 and -29. The following is a summary of the revisions that were made:
- TR/mm-1 has been revised to allow for the applicant to bond for the full cost of design and installation of the recommended intersection improvements and to receive a rebate for a portion of the bonded amount at the time that intersection improvements are actually installed.

- TR/mm-2 has been revised to recognize the improvements that are required as part of the Cinderella Carpets project, including the widening of westbound Capitolio and striping of a dedicated right-turn lane for access onto Broad Street. Installation of these improvements mitigates TR Impact 2, and a signal would no longer be warranted under Baseline Plus Project conditions.
- TR/mm-3 has been revised and the requirement of the applicant to widen the east leg of the intersection to accommodate the widening of Orcutt Road has been removed. The applicant is still required to fund and install a traffic signal at the intersection of Laurel Lane and Orcutt Road. As identified in the EIR, according to the *2003 Annual Traffic Safety Report* (Traffic Engineering Division Department of Public Works, July 2004), the Orcutt Road/Laurel Lane intersection is ranked as the worst intersection for collision rates for intersections involving two arterial streets and ranked as the fourth worst intersection overall based on total collisions in 2003. The additional traffic added to this intersection from the proposed project would result in significant safety impacts if the recommended mitigation were not implemented.
- TR/mm-4 has been revised to allow for the applicant to bond for the full cost of design and installation of the recommended improvements and to receive a rebate for a portion of the bonded amount at the time that intersection improvements are actually installed.

It is the opinion of the EIR consultant and the lead agency that these revisions address the concerns identified in the comment including, “financial implications... timing and difficulty obtaining permits from Caltrans... existing roadway deficiencies and burden for improvements placed solely on the Four Creeks applicants... recognition of future development’s contributions to impacts and ability to assess a fair share of the improvement costs..and... recognition that other development projects may have already contributed to identified improvements.”

- 8.12 As noted on page TR-32, the proposed site access at the Creekstön driveway on Orcutt Road would result in lengthy side street delays resulting in vehicles queuing on-site. Vehicle access through the entire site would allow vehicles destined for northbound Broad Street to exit via the Creekstön driveway on Broad Street. The creation of through access would maximize vehicular circulation, reduce delays, and avoid significant onsite queuing. Even with implementation of TR/mm-14, the main circulation aisle can still be designed to provide safe bicycle and pedestrian travel. No revisions to the EIR are necessary.
- 8.13 The Transportation and Circulation section of the EIR has been revised in response to this comment; refer to TR/mm-17 on page TR-37. Prohibiting parking spaces along the entry roadway within 50 feet of the project entrance located on Broad Street is not required by City code or ordinance; however, this mitigation measure addresses circulation patterns onto and within the project site, and mitigates for potential traffic safety impacts to vehicles traveling on Broad Street.
- 8.14 The Transportation and Circulation section of the EIR has been revised in response to this comment; refer to pages TR-37 and TR-38. TR Impact 20, TR Impact 21, and mitigation

measures TR/mm-18 and TR/mm-19 were deleted from the text. In addition, language was added to the section stating that future development associated with the Broad Street Parcels component would be required to provide an adequate number of parking and bicycle spaces, as required by City Municipal Code.

- 8.15 The “fair share” contribution is calculated by dividing the number of project generated peak-hour trips over the total intersection volume. The proposed project’s “fair share” contribution for each mitigation measure under 10-Year Cumulative and General Plan Buildout Conditions are listed below:

10-Year Cumulative Conditions

TR/mm-20 (signalize Duncan Road/Orcutt Road/Sacramento Drive) – 5.8 percent

TR/mm-21a (signalize Broad Street/Capitolio Way) – 4.4 percent

General Plan Buildout Conditions

TR/mm-21 (widen south leg of Broad Street/South Street intersection to provide 2nd northbound left-turn) – 3.1 percent

TR/mm-22 (provide 2nd northbound left-turn and southbound right-turn overlap phase at the Broad Street/Prado Road intersection) – 2.7 percent

- 8.16 Mitigation measures TR/mm-20 through TR/mm-22 require the applicant to pay into the City TIF program. If certain intersection and roadway improvements are not currently specified within the TIF, the applicant is responsible for paying the current TIF plus any difference in what the estimated TIF costs will be once the projects are specified within the TIF. No revisions to the EIR are necessary.
- 8.17 Mitigation measures AQ/mm-1 through AQ/mm-7 address short-term construction emissions (both combustion and fugitive dust) associated with development of the proposed project, which will result regardless of the project’s design concepts. As noted in the EIR, ROG and NO_x are the critical pollutants in the evaluation of the significance of construction emissions because of the high output of these pollutants by heavy diesel equipment normally used in grading operations and their role as ozone precursors. The SLOAPCD has worked hard in the last few years to realize ozone attainment, and continuing efforts must be made to ensure San Luis Obispo County maintains its compliance status. In addition, because the County is considered to be in non-attainment for PM₁₀, the SLOAPCD requires Best Management Practices (BMPs) for all projects involving earthmoving activities regardless of the project size, duration, or project design concepts. Revisions to the Air Quality section of the EIR have been made in response to comments from the APCD; refer to response to comments 3.1 through 3.15. No additional revisions to the EIR are necessary.
- 8.18 The requirements identified in AQ/mm-5 are part of the APCD permitting process. A compliance review meeting with the APCD is necessary to determine whether or not an Authority to Construct will be required, depending on the construction practices and long-term operational uses proposed as part of the development. According to the California Air Resource Board, “Any person or organization proposing to construct,

modify, or operate a facility or equipment that may emit pollutants from a stationary source into the atmosphere must first obtain an Authority to Construct from the county or regional APCD or air quality management district. Air districts issue permits and monitor new and modified sources of air pollutants to ensure compliance with national, state, and local emission standards and to ensure that emissions from such sources will not interfere with the attainment and maintenance of ambient air quality standards adopted by the California Air Resources and the U.S. Environmental Protection Agency.” SLOAPCD identifies under Rule 202 (Permits) that an Authority to Construct requires that, “Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer.” No revisions to the EIR are necessary.

- 8.19 The City of San Luis Obispo has met with the APCD to define which measures would be most effective at mitigating impacts from the proposed project. Revisions to the Air Quality section of the EIR have been made in response to comments from the APCD; refer to AQ/mm-12 on page AQ-21 and AQ/mm-14 on page AQ-22. No additional revisions to the EIR are necessary.
- 8.20 The APCD, a responsible agency under CEQA, has noted that they have concerns about potential impacts of the proposed project that are specific to compatible uses within the mixed use development. As identified within the EIR, the APCD has indicated that the following uses could be problematic if residential uses are included in or located adjacent to the same building:
- Nail Salons;
 - Dry-cleaners;
 - Coffee Roasters;
 - Furniture Refurbishing/refinishing, and;
 - Any type of spray operation (i.e. painting, automotive, etc.).

Coordination with APCD is essential in order to determine which permits will be required by the Agency. Stationary sources need an APCD permit before constructing, changing, replacing, or operating any equipment or process that may cause air pollution. This includes equipment designed to reduce air pollution. Examples of businesses that need APCD permits are oil and gas facilities, gas stations, dry cleaners, auto body shops, refinishing operations, printers, and operators of certain gas or oil powered engines. A more detailed list is provided at the APCD website www.slocleanair.org. No revisions to the EIR are necessary.

- 8.21 Revisions have been made to the Noise section of the EIR in response to this comment; refer to NS/mm-4 on page NS-27.
- 8.22 The Noise Reduction Plan referenced in this comment and required as part of NS/mm-1 addresses noise impacts associated with short-term construction noise. The Noise

Reduction Plan is not required to address long-term operational noise impacts associated with increased vehicular traffic. Mitigation measures NS/mm-4 through NS/mm-6 mitigate interior noise impacts to less than significant levels. Without these mitigation measures, NS Impact 3 would remain significant. No revisions to the EIR are necessary.

8.23 Revisions have been made to the Hazards section of the EIR in response to this comment and comments from the City of San Luis Obispo Planning Commission; refer to pages HAZ-23 through HAZ-25.

8.24 The Tank Farm Road gravity sewer and lift station project has been designed in order to correct existing deficiencies within the wastewater system and to provide adequate infrastructure for adjacent areas within the City limits that have development potential (such as the proposed project), but currently lack the capacity to accommodate future development. The existing Tank Farm lift station, which is located down gradient from the proposed project site, is currently operating at full capacity. Additional development up gradient from the lift station cannot be accommodated unless interim improvements are made to the collection and conveyance facilities to accommodate the increased demand that would result from development of the Four Creeks project. By requiring coordination with the City Public Works Department, mitigation measure UTIL/mm-4 provides the applicants greater flexibility with the timing of construction, and allows for partial development of the proposed project prior to completion of the Tank Farm Road gravity sewer and lift station project. The applicants also have the option to postpone development of the proposed project until the Tank Farm Road gravity sewer and lift station project is completed. At the time of publication of the FEIR, the timing of the proposed project in relation to the completion of the Tank Farm Road gravity sewer and lift station project is unknown. The applicant is responsible for communicating with the wastewater service provider to determine whether or not adequate capacity exists to service all or portions of the proposed project. No revisions to the EIR are necessary.

8.25 Impacts identified within the Aesthetic Resources section of the EIR were not developed “arbitrarily”, as identified in this comment; but rather were based on thresholds of significance identified within Appendix G of the CEQA Guidelines. In addition to CEQA thresholds, project impacts were evaluated with thresholds derived from the City General Plan. As stated in the 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.

The building height criteria were developed by direct observation of story poles placed at the specific heights and distances proposed. Data was gathered from viewpoints along

the entire length of Orcutt Road not just the points depicted in the various photo-simulations. This direct observation proved that the reduction of the building heights as defined in AES/mm-1 is necessary to retain a minimally reasonable view of the South Street Hills. Field data shows that the buildings as proposed would block almost the entire hillside including the ridgeline. Lowering the building heights as required in AES/mm-1 would preserve ridgeline views as well as the upper portions of the hillside resource as seen from this City-Designated Scenic Roadway.

AES/mm-1 addresses impacts based on the most current plans and project description provided at the time of the Draft EIR. Any valid analysis of potential visual impacts of subsequent project revisions should include accurate story pole placement and observation from the length of the viewing corridor. Sight-line studies are valuable tools for describing the visibility relationship concept from a static viewpoint; however, the proposed project has numerous variables including hilltop ridgeline profile, relative viewing angle, viewpoint-to-site elevation variables, intervening vegetation groupings, and others. A single site cross-section would represent too narrow of a view and by itself would not be the appropriate tool to accurately portray the visual effect of the project. A site cross-section without a broad-based assessment from all viewpoints could misrepresent impacts.

The comment is correct in noting that increased heights allow for greater project densities; however, this does not change the fact that there are significant aesthetics impacts associated with the increased heights. No revisions to the EIR are necessary.

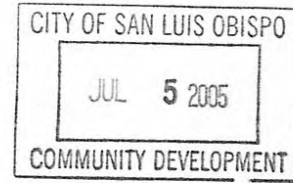
- 8.26 The Project Description was reviewed and approved by the lead agency and the project applicants (October 2004) prior to initiating the EIR analysis. The EIR analysis was based on information provided by the project applicants in the Project Description, which did not include the modified site plans referenced in this comment. Any significant project revisions made during the Draft Public Review period will not be included as part of the EIR analysis. It is the prerogative of the City and the applicant to make substantial changes to the project description; however, as described in §15088.5 of the CEQA Guidelines, “A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under §15087 but before certification.” No revisions to the EIR are necessary.
- 8.27 Refer to response to comment 8.26. No revisions to the EIR are necessary.
- 8.28 The mitigation language proposed in this comment is inadequate to provide protection of the aesthetic function of the trees. The focus of this mitigation measure is retention of the visual scale, massing and height characteristics that the trees provide. Revisions have been made to the Aesthetics section of the EIR in response to this comment; refer to AES/mm-7 on page AES-33.
- 8.29 Any valid analysis of potential visual impacts of subsequent project revisions should include accurate story pole placement and observation from the length of the viewing

- corridor. Sight-line studies are valuable tools for describing the visibility relationship concept from a static viewpoint; however, the proposed project has numerous variables including hilltop ridgeline profile, relative viewing angle, viewpoint-to-site elevation variables, intervening vegetation groupings, and others. A single site cross-section would represent too narrow of a view and by itself would not be the appropriate tool to accurately portray the visual effect of the project. A site cross-section without a broad-based assessment from all viewpoints could misrepresent impacts. No revisions to the EIR are necessary.
- 8.30 Revisions have been made to the Issues Evaluated with Insignificant Impacts section of the EIR in response to this comment; refer to page INSIG-8. Mitigation INSIG/mm-1 was not deleted, but was revised to require that 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 be incorporated into the grading plans for the proposed project.
- 8.31 A Phase I archaeological surface survey was conducted as part of the EIR analysis. While no surface cultural resources were encountered, there remains the possibility that historically significant subsurface features may be present. 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. Mitigation measures INSIG/mm-2 through INSIG/mm-4 mitigate cultural resources impacts to less than significant levels. Without these mitigation measures, INSIG Impact 4 would remain significant. No revisions to the EIR are necessary.
- 8.32 The EIR consultant and lead agency recognize that additional conditions will be added to the proposed project by various City Departments, including Public Works, and that some of these conditions may be similar to the EIR mitigation measures. This does not make the EIR mitigation measures invalid nor does it warrant deletion of these mitigation measures from the EIR. No revisions to the EIR are necessary.
- 8.33 Mitigation measure INSIG/mm-10 is required to mitigate solid waste impacts identified within the EIR. The requirements of this mitigation measure have been developed independently from any standard conditions imposed by the Building & Safety Division of the Community Development Department. Mitigation measure INSIG/mm-10 is not a new City program. This mitigation measure is not appropriate for inclusion in the Air Quality section of the EIR as there is no nexus between the recommended mitigation measure and impacts identified within the Air Quality section of the EIR. No revisions to the EIR are necessary.
- 8.34 Mitigation measure INSIG/mm-11 focuses on solid waste minimization issues, not containment issues. The intent of the mitigation measure is to encourage occupant of the project to recycle and to reduce their solid waste production. Revisions have been made

to the Issues Evaluated With Insignificant Impacts section of the EIR that clarify that space shall be allotted for storage of recyclable materials; refer to page INSIG-24.

- 8.35 The EIR does not limit the landscape palette to “only” slow growing, drought-tolerant plants, as identified in this comment. Mitigation measure INSIG/mm-11 states that, “slow-growing, drought-tolerant plants *shall be included* in the landscape plan.” The nexus to solid waste minimization is clearly identified within the mitigation measure, which notes, “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.” No revisions to the EIR are necessary.

ORCUTT ASSOCIATES, LLC
12730 HIGH BLUFF DR. SUITE 180
SAN DIEGO, CA 92130



June 27, 2005

City of San Luis Obispo
Community Development Dept.
990 Palm Street
San Luis Obispo, CA 93401

Attn: Michael Codron

RE: Comments on EIR SCH#2004071043 – Four Creeks Rezoning Project

Dear Michael:

Orcutt Associates, LLC has reviewed the Four Creeks EIR and has found items of concern that we would like clarified and addressed. We understand that the document addresses an area that includes the Tumbling Waters as well as the Creekston project and adjacent areas. The comments below refer to the Tumbling Waters portion of the project unless specifically noted otherwise.

Section III - Project Description

The project elements for Tumbling Waters have been changed to address a modified Sacramento Drive, the adjacent creek alignment, and different developable area. A project summary sheet is attached. These modifications could be considered within the existing overall EIR project description or as an Alternative. The EIR Figures will not accurately depict the currently proposed Tumbling Waters project as identified.

9.1

Section V – Environmental Impacts and Mitigation Measures

BIO/mm-7 - The creek setbacks used for the Tumbling Waters project are those approved by the City Planning Dept at the time of the initial application for development. The setbacks “based on the field data collected as part of the EIR” will not be used. It is our understanding that the setbacks previously approved by the City will be used and not those shown in the EIR.

9.2

BIO/mm-8 - Section a. – The requirement for a tree survey on the Tumbling Waters project makes no sense and serves no purpose. The project proposes no work within the Creek Setback areas and is being required to do an expense detailed survey of extensive areas of the site for no reason. We request that this mitigation measure be modified as it relates to the Tumbling Waters project to restrict the tree inventory exhibit requirement to only those areas where construction will occur within the creek setback areas as approved by the Planning Dept.

9.3

TR/mm-1,2,3,4,5,6,20,21,22 - It is our understanding that the City Planning and Engineering Staff have been working on modifying these mitigation measures and have

9.4

proposed measures that require the applicants to contribute a TIF or fair share fee for the City construction programs. We also understand that through a reimbursement agreement we may be required to participate in some additional funding requirements. We strongly object to the mitigation measures as proposed in the Draft EIR because they unfairly burden the applicants with the design, permit through the City and CalTrans and Union Pacific, fund, and construct City sponsored projects. We do agree with the verbally proposed modifications suggested by Staff, subject to seeing and reviewing the written mitigation measures.

**9.4
cont'd.**

TR Impact 20 - This EIR Impact states that the proposed project would not meet the City Municipal Code requirement. The plans for Tumbling Waters clearly show that the project meets and even exceeds the amount of required parking. This Impact and the associated mitigation should not apply to the Tumbling Waters project and should be modified or removed.

9.5

AQ/mm-2 - This mitigation should be specific to each project.

9.6

AQ/mm-12,14 - These are expensive burdens requiring significant costs and funding requirements for the project. Although some compliance may be appropriate, we can not develop a residential project with such significant mandated but undefined costs and funding obligations. We request the City make a Statement of Overriding Consideration for AQ Impact 6 or change the mitigation measures to be specific to agreeable requirements.

9.7

HAZ/mm-8 and mm-10 - We understand that the City will make a Statement of Overriding Consideration instead of requiring these Police and Fire Dept. mitigation measures. We strongly object to these mitigation measures as they burden the project with significant undefined costs that should be paid for as other projects, out of the City General Fund. The project will increase property taxes significantly which should offset some or all of the additional City costs.

9.8

The entire Aesthetic Resources analysis for Orcutt Road seems arbitrary. All of the discussions we had with City Staff and local residents suggested that the project should increase in height to maximize the open space on the site and between buildings. We are requesting a height variance for the project. To have a portion of the site be restricted to 30 and 35 feet maximum height works against the common objective. Reductions in height also mean less dense buildings are required. Reducing the buildings to less than 30 feet means two story buildings or one story over garage. Since this site is being Re-Zone to maximize density, the height restrictions are in contradiction of the City objectives.

9.9

We request that the City make a Statement of Overriding Consideration for AES Impact 1 or modify AES/mm-1 to allow modifications to the Tumbling Waters site plan that provides buildings with smaller massing and greater spacing with heights of 38 feet or less from the existing grade for the first 150 feet from Orcutt. We propose to put duplex buildings in this 150 foot setback area of the site to create more space between buildings for views and reduce the height to 38 feet maximum from existing grade. We will lower the buildings further through grading of the site where possible.

AES/mm-9 - We would like to allow more flexibility in this mitigation measure. One method of noise mitigation is to have buildings act as barriers. Where this occurs, there

9.10

would be walls between the buildings to create a continuous barrier. These walls would best be designed in character and colors to compliment the buildings instead of the terrain. These types of walls would be very different than the one being dictated by the mm-9. We suggest modifying the condition to add "or buildings" after "compatible with surrounding terrain" and delete "using textured materials or construction methods that create a textured effect."

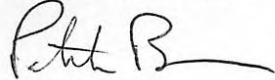
9.10
cont'd.

INSIG/mm-1 - The Geotechnical and Soil recommendations are incorporated into the Grading Plans as City requirements. Construction will be accordance with the approved Grading Plans. The EIR states that the Geotechnical and Soil recommendations be included on the Site Plan. What purpose do they serve on a Planning document like the Site Plan? This mitigation measure should be dropped or modified to tie recommendations to construction documents.

9.11

I trust you will find these comments and suggestions understandable. I look forward to working with you to resolve these concerns.

Orcutt Associates, LLC
RGC CourtHomes, Inc.



Patrick J. Brown

Tumbling Waters
Revised Site Plan
Summary
29-Jun-05

Total Net Acres 8.74
Density 24
Total Density Equivalents 209.76
Total Dwelling Units 178

Cottage Duplex

Units	Sq. Ft.	Total Sq. Ft.	Density Equivalent	Density Count	Parking Required
Plan 1	0	1,349	0	1.00	0.00
Plan 2	23	1,465	33,695	1.50	34.50
Total	23	1,465	33,695	1.50	34.50

Nineplex/Triplex

Plan 1	25	1326	33,150	1.00	25.00	55 Two bedroom two & one-half bath, two car garage
Plan 2	25	1471	36,775	1.00	25.00	55 Two bedroom two & one-half bath, two car garage
Plan 3	19	1646	31,274	1.50	28.50	51 Three bedroom (or Two Bed + Den) two & one-half bath, two car garage
Plan 3 All	6	1456	8,736	1.00	6.00	13 Two bedroom two & one-half bath, two car garage
Total	75	1,466	109,935	1.13	84.50	174.5

Mansion Fourplex

Plan 1 (4PL)	6	951	5,705	0.66	3.96	10 One bedroom, one & one-half bath, one car garage
Plan 1B (4PL)	0	1,288	0	0.66	0.00	0 One bedroom plus loft, one & one-half bath, one car garage
Plan 3 (4PL)	34	1,312	44,608	1.00	34.00	75 Two bedroom plus loft, two & one-half bath, two car garage
Plan 5 (4PL)	20	1,373	27,460	1.00	20.00	44 Two bedroom, two & one-half bath, two car garage
Plan 7 (4PL)	14	1,584	22,176	1.50	21.00	38 Three bedroom, two & one-half bath, two car garage
Plan 8 (4PL)	6	1,735	10,410	2.00	12.00	18 Four bedroom, two & one-half bath, two car garage
Total	80	1,380	110,360	1.14	90.96	185

Total

178	1,427	253,990	1,180	209.96	421
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Parking Provided in Garages

Cottages	46
Nine Plex	150
Mansions	140
Total	336
Additional Parking Required	85



9. Orcutt Associates, LLC

- 9.1 The Project Description was reviewed and approved by the lead agency and the project applicants (October 2004) prior to initiating the EIR analysis. The EIR analysis was based on information provided by the project applicants in the Project Description, which did not include the, “modifications to Sacramento Drive, the adjacent creek alignment, and different developable area,” referenced in this comment. Any significant project revisions made during the Draft Public Review period will not be included as part of the EIR analysis. It is the prerogative of the City and the applicant to make substantial changes to the project description; however, as described in §15088.5 of the CEQA Guidelines, “A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under §15087 but before certification.” No revisions to the EIR are necessary.
- 9.2 The mitigation measures recommended in the Biological Resources section of the EIR have been reviewed and approved by the City of San Luis Obispo’s Natural Resources Manager. All riparian impacts and mitigation measures identified in the EIR are based on field surveys conducted for the EIR, as requested by the City of San Luis Obispo. These surveys represent the most current and accurate delineation of onsite riparian corridors. It would not be appropriate for the EIR to identify impacts based on arbitrary riparian setbacks identified in verbal discussions, and that do not relate to existing onsite conditions. No revisions to the EIR are necessary.
- 9.3 Refer to response to comment 8.6. No revisions to the EIR are necessary.
- 9.4 Revisions have been made to the Transportation and Circulation section of the EIR in response to this comment and comments from Oasis Associates; refer to response to comments 8.11 and 8.12 and pages TR-22 through TR-49. No additional revisions to the EIR are necessary.
- 9.5 Revisions have been made to the Transportation and Circulation section of the EIR in response to this comment and comments from Oasis Associates; refer to page TR-37.
- 9.6 Refer to response to comment 8.17. No additional revisions to the EIR are necessary.
- 9.7 Refer to response to comment 8.19. No additional revisions to the EIR are necessary.
- 9.8 Refer to response to comment 8.23. No additional revisions to the EIR are necessary.
- 9.9 Impacts identified within the Aesthetic Resources section of the EIR were not developed “arbitrarily”, as identified in this comment; but rather were based on thresholds of significance identified within Appendix G of the CEQA Guidelines. In addition to CEQA thresholds, project impacts were evaluated with thresholds derived from the City General Plan. As stated in the 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.

The impacts identified are not just associated with view blockage, but are also related to scale and the degradation of the existing visual character. The mitigation measures identified within the Aesthetics section of the EIR are necessary in order to mitigate aesthetic impacts to less than significant levels. The City Council has the option of making findings that the mitigation is infeasible and can prepare a statement of overriding considerations, provided that there is substantial evidence in the record.

The building height criteria were developed by direct observation of story poles placed at the specific heights and distances proposed. Data was gathered from viewpoints along the entire length of Orcutt Road not just the points depicted in the various photo-simulations. This direct observation proved that the reduction of the building heights as defined in AES/mm-1 is necessary to retain a minimally reasonable view of the South Street Hills. Field data shows that the buildings as proposed would block almost the entire hillside including the ridgeline. Lowering the building heights as required in AES/mm-1 would preserve ridgeline views as well as the upper portions of the hillside resource as seen from this City-Designated Scenic Roadway. No revisions to the EIR are necessary.

- 9.10 Revisions have been made to the Aesthetics section of the EIR in response to this comment; refer to AES/mm-9 on page AES-35.
- 9.11 Revisions have been made to the Issues Evaluated with Insignificant Impacts section of the EIR section of the EIR in response to this comment and comments from Oasis Associates; refer to page INSIG-8.

RGC
4063 Birch, Suite 140
NEWPORT BEACH, CA 92660
949/553-0627
949/553-0607 FAX

Fax Transmittal

To: MICHAEL CODRON From: PATRICK J. BROWN
805-781-7173 Date: 7/8/2005
RE: 4 CREEKS EIR COMMENTS
 Urgent For Review Please Comment Please Reply Please Recycle

MICHAEL:

IN ADDITION TO THE COMMENTS PREVIOUSLY MADE, WE WOULD LIKE TO COMMENT ON THE AESTHETIC IMPACT SECTION RELATED TO THE TUMBLING WATERS PROJECT. THE GRAPHICS ON PAGE AES-21 SHOWS THE PROPOSED CONDITIONS WITH THE BACKGROUND TREES REMOVED. THIS IS PROBABLY BECAUSE THERE WAS A PROPOSAL ON THE CREEKSTON PROJECT TO REMOVE THE TREES. THE TREES ARE STAYING AND WHEN PUT BACK INTO THE PROPOSED VIEW, THEY BACKGROUND THE ROOFS ON THE TUMBLING WATERS PROJECT. LOWERING THE ROOF GIVES MORE VIEW OF THE BACKGROUND TREES, BUT NOT ANY MORE VIEW OF THE HILLS BEYOND THE TREES. THE MITIGATION OF PRESERVING VIEWS OF THE HILLS MAKES LITTLE SENSE FOR THE REALITY OF THE VIEW.

10.1

THE BUILDINGS CURRENTLY PROPOSED WEST OF SACRAMENTO PRESENT A SIGNIFICANTLY REDUCED MASS AND A LOWER HEIGHT THAN THE PREVIOUS PLAN. THEY ARE A FULL STORY SHORTER AND SMALLER IN BOTH LENGTH AND WIDTH. HOWEVER THEY STILL EXCEED THE 30 AND 35 FOOT HEIGHTS REQUIRED FOR THE MITIGATION. WE ARE REQUESTING HEIGHTS OF 38 FEET AS A MINIMUM OUT TO ORCUTT.

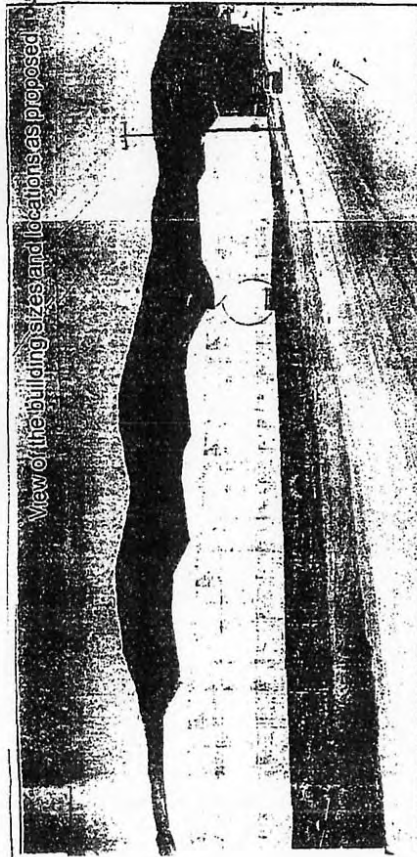
10.2

THE COLOR ORIGINAL WILL FOLLOW BY DELIVERY.

PATRICK BROWN-ORCUTT ASSOCIATES
949 - 553-0627

Aesthetic Resources

without tree removal



purpose of analyzing
did not be used to
are not shown.

← composite of Proposed Bldgs
for previous plan and existing
trees and background.
New plan knocks one story off
the far right Bldgs.
what is the difference?

KEY VIEWING AREA (KVA) 6
FIGURE AES-7

AES-21

10. Orcutt Associates, LLC

- 10.1 The removal of the eucalyptus trees was identified in the project description and on the project plans at the time of Draft EIR preparation. The building height criteria were developed by direct observation of story poles placed at the specific heights and distances proposed. Data was gathered from viewpoints along the entire length of Orcutt Road not just the point depicted in Photo-Simulation KVA-5. This direct observation proved that the reduction of the building heights as defined in AES/mm-1 is necessary to retain a minimally reasonable view of the South Street Hills. Although some of the trees do block a portion of the hillside, field data shows that the buildings as proposed would block almost the entire hillside including the ridgeline, regardless of the tree retention. Lowering the building heights as required in AES/mm-1 would preserve ridgeline views as well as the upper portions of the hillside resource as seen from this City-Designated Scenic Roadway, even with the existing trees in place. No revisions to the EIR are necessary.
- 10.2 The EIR analysis was based on information provided by the project applicants in the Project Description, which did not include the modified site plans identified in this comment; however, the same City of San Luis Obispo threshold of significance used to determine whether an impact would result apply regardless of the site design. The impacts identified are not just associated with view blockage, but are also related to scale and the degradation of the existing visual character. The mitigation measures identified within the Aesthetics section of the EIR are necessary in order to mitigate aesthetic impacts to less than significant levels. The City Council has the option of making findings that the mitigation is infeasible and can prepare a statement of overriding considerations, provided that there is substantial evidence in the record. No revisions to the EIR are necessary.

Michael Codron



Residents for Quality Neighborhoods
P.O. Box 12604 • San Luis Obispo, CA 93406



July 14, 2005

Mr. Michael Codron
City of San Luis Obispo
Community Development Department
990 Palm Street, San Luis Obispo, CA 93401

Re: Comments on Draft Environmental Impact Report
Four Creeks Rezoning Project - SCH#2004071043

Dear Michael,

Thank you for the opportunity to respond to the Draft EIR for this project. RQN submits the following comments:

- 1. **Transportation/Circulation (TC):** The mitigation measures are nearly exclusively dependent on traffic flow improvements through intersection and roadway construction projects. The mitigation measures do not provide alternative projects/funding that would reduce the trip generation to less than significant. In addition to reducing trip generation to levels that would be less than significant, air quality impacts would be similarly reduced.

11.1

Projects and or funding that should be considered are transit subsidy programs that offer residents free transit service for a period for not less than 15 years. Contribution to a bicycle/walking path on the West side of the railroad tracks to link with proposed shopping near the corner of South and Broad and linkage to the Bill Roalman bicycle boulevard. Traffic Impact Fees, TIF, should be exclusively set aside for construction of the planned extension of the Railroad bicycle path north of the train station.

- 1. **Energy Consumption:** Units should be built with Solar Electric panels to reduce energy consumption. [HE Policy 9.2.1(b)].

11.2

- 2. **Universal Design Standards:** Universal Design Standards should be applied to the project. Universal design is a concept used to achieve a number of goals. Universally designed homes allow homeowners to stay in their homes as they age because these homes are readily adaptable for possible changing physical needs. Universal design helps minimize or help avoid the high cost of renovations and additions that may be required to meet changing physical needs. Universal design allows the greatest number of individual needs to be met - whether a guest or relative uses a wheelchair or the homeowner is experiencing a short-term loss of physical ability. [HE Policy 8.2.1].

11.3

Sincerely,

Brett Cross

Brett Cross
Secretary, RQN

11. Residents for Quality Neighborhoods

- 11.1 The impacts identified within the Transportation and Circulation section of the EIR are related to intersection and roadway levels of service, traffic safety, pedestrian and bicycle circulation, transit, project site access, and internal circulation. Mitigation measures have been recommended that mitigate TR Impact 1 through TR Impact 31 to less than significant, Class II. In addition, within both the Transportation and Circulation and Air Quality sections of the EIR, several mitigation measures are related to alternative forms of transportation and include requirements to provide bicycle lanes, pedestrian pathways, transit facilities, and other improvements; refer to mitigation measures AQ/mm-12, AQ/mm-14, and TR/mm-4 through TR/mm-8. No additional mitigation measures are warranted and no revisions to the EIR are necessary.
- 11.2 Energy consumption impacts have not been identified within the EIR and there would be no nexus to require the proposed development to install solar panels. Through the planning and permitting process, the City of San Luis Obispo will impose conditions of approval on the proposed development. Per City Ordinance requirements, several of these conditions require the use of energy-saving construction methods. No revisions to the EIR are necessary.
- 11.3 Comment noted. No revisions to the EIR are necessary.

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