



# CEQA Findings of Fact and Statement of Overriding Considerations

Los Angeles – San Diego – San Luis Obispo  
Central Coast Layover Facility Project

Final Environmental Impact Report

*San Luis Obispo, California*

November 2022



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# 1 Introduction

A Final Environmental Impact Report (hereafter “Final EIR”) has been prepared pursuant to the California Environmental Quality Act (CEQA) to address the potential environmental effects of the proposed Central Coast Layover Facility (CCLF) project (proposed project). Under Public Resources Code §21081 and CEQA Guidelines §15091, where a final EIR identifies one or more significant environmental effects, a project may not be approved until the public agency makes written findings supported by substantial evidence in the administrative record as each of the significant effects.

This document provides the Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor Agency’s findings regarding the significant impacts associated with the proposed project, as identified in the EIR prepared for the proposed project. In accordance with CEQA Guidelines, the LOSSAN Rail Corridor Agency adopts these findings as part of its certification of the Final EIR for the project.

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## 2 Project Description

### 2.1 Project Overview

Currently, one Pacific Surfliner train overnights each day in San Luis Obispo for an early morning departure the following day. Both the State Rail Plan and the LOSSAN Rail Corridor Agency Business Plan identify growth in the service levels of the Pacific Surfliner to San Luis Obispo. As currently configured, the existing single-track facility does not have the capacity to accommodate any growth in service levels beyond the current service. The proposed project will facilitate the maintenance of equipment at the northern terminus of the LOSSAN rail corridor. It will allow additional passenger trains to be maintained, serviced and stored in San Luis Obispo overnight with no impact to the operations of Union Pacific, allowing a second, more convenient, morning departure from San Luis Obispo, subject to Union Pacific approval of the proposed schedule. It will also provide for the opportunity to store and service additional train sets used for further expansion of the Service.

### 2.2 Project Location

The project site is located on approximately 13 acres of relatively undeveloped land in the City of San Luis Obispo, which is situated along the Central Coast region of California, approximately 190 miles north of Los Angeles. The existing Pacific Surfliner layover facility is located directly across from the San Luis Obispo Amtrak Station, located at 1011 Railroad Avenue. The project site is located approximately 0.3-mile south of the San Luis Obispo Amtrak Station. The project site extends from south of the San Luis Obispo Railroad Museum's parking lot to east of Lawrence Drive. The project site is between the Union Pacific Main Tracks and existing commercial and residential development to the west.

The project site is located entirely within the City of San Luis Obispo's Railroad Historic District (District). The District boundary covers approximately one-half square mile and extends along the railroad right-of-way (ROW) for a distance of about 1.7 miles in roughly a north-south axis. The District includes the original railroad yard, plus residential and commercial-zoned property on the west side of the railroad ROW.

### 2.3 Project Components

The proposed project includes the construction of a new rail yard, storage and servicing tracks, operations and maintenance buildings, landscape improvements, bike trail, and safety and security features. Perimeter fencing would be installed around the facility for site security and public safety.

#### 2.3.1 Rail Yard and Tracks

The proposed project would construct a new rail yard with up to five new tracks, with Track 1 positioned as the westernmost track and Track 5 positioned as the easternmost track.

- Track 1 – Bypass and wash track with train wash building
- Track 2 – Storage track with service and inspection (S&I) position
- Track 3 – Storage track

- Track 4 – Storage track
- Track 5 – Storage track

Trains would enter the site from the mainline switch at the north end of the site, passing through the Train Wash on Track 1. Trains would travel south, passing the train wash building onto the tail track and then reverse direction into either S&I position or to one of the other storage tracks. Upon reaching the S&I position or a storage track, the trains would park for the night, connecting to ground power to allow for the electric functions of the train to continue and connecting to a yard air compressor to keep the brake system charged. These connections allow for continuity of these functions without the locomotive engine running, minimizing engine idling within the facility.

From the S&I or storage positions, daily servicing and light maintenance can occur. Trains stored on the S&I track would also undergo additional safety, operational and reliability inspections.

Trains would exit the facility north toward the San Luis Obispo station at intervals based on the approved and published service schedules.

### 2.3.2 Buildings

The proposed project would consist of a series of single-story structures housing a variety of functions including office space, storage space, workshops, train wash, train S&I and wheel truing. Rooftop solar panels, comprising a minimum total of 4,000 square feet, is proposed in order to reduce electrical energy demand associated with building energy usage.

**Operations/Fleet Maintenance Building.** The Operations Building would be an approximately 3,000 square foot one-story building, which would house administrative offices and restrooms for operations and maintenance staff.

**Fleet Maintenance Shops Building.** The Fleet Maintenance Shops Building would be a one-story building and approximately 2,900 square feet, and would house a welding/fabrication shop, brake and coupler shop, and toolbox storage.

**Parts Storeroom Building.** The Parts Storeroom Building would be a one-story building, approximately 1,500 square feet, located adjacent to the Fleet Maintenance Shops Building and Maintenance of Way Building. This building would store components and parts that are required on a frequent basis to support maintenance activities, and would include a dedicated secure area for shipping, receiving and storage.

**Maintenance of Way (MOW) Building.** The MOW Building would be a one-story building, approximately 2,200 square feet, located adjacent to the Parts Storeroom Building. MOW is responsible for inspection and maintenance of track, roadbed, and buildings. MOW is also responsible for inspection and maintenance of non-revenue vehicles assigned to the CCLF.

**Wash Building.** The Wash Building would be a 9-10,000 square foot one-story building, located at the center of the project site on Track 1. An automatic, drive-through train wash would be enclosed in the Wash Building. As described above, trains entering the maintenance facility would pass through the Train Wash Building for cleaning prior to being placed on one of the storage tracks.

The train wash would operate 7 days per week. Each train arriving at the facility at the end of its service day will enter through the wash, requiring it to run for about 5-10 minutes for each train. The timing of the train wash operation will depend on the approved and published service schedule and would likely be during the evening hours.





The design speed for the train wash system will be 3 miles per hour. It is anticipated that a total wash length will not exceed 300 feet. The train wash will be designed for low-volume water usage and includes a reclamation system to treat and reuse water runoff.

**Wheel Truing Building.** The Wheel Truing Building would be a one-story building, approximately 1,900 square feet in size and located at the north end of the project site adjacent to the San Luis Obispo Railroad Museum parking lot. The Wheel Truing Building would house an underfloor pit-mounted wheel truing machine. Use of this facility is anticipated to be infrequent and not part of the daily operation.

### 2.3.3 Service and Inspection Shelter

Track 2 would function as a storage track with an S&I position. The S&I track would be covered by a 24' high shelter. To provide access to the underside of a train for inspection and maintenance, a lower-level work area or gauge pit would be installed.

### 2.3.4 Cleaning Shelters

Two cleaning shelters would be provided south of the Wash Building and storage tracks.

### 2.3.5 Access

Primary employee and visitor access to the site would be from Roundhouse Avenue. Additional emergency access to the site would be available from the train museum parking lot (north end of site), from the parking lot off Alphonso Street (center of site), and from Francis Avenue (south end of site).

### 2.3.6 Parking

The proposed project would provide a total of 54 on-site parking spaces for employees and visitors. Most of the parking spaces would be located on the west end of the central yard in between the Roundhouse Site and Operations building. The other parking spaces would be located adjacent to the MOW Shops building.

### 2.3.7 Landscape Plan

The proposed project would install landscaping to buffer maintenance and servicing operations from adjacent neighboring residential and recreational uses. The project's plant palette will be comprised of species native or fully adapted to San Luis Obispo's climate. The list of species will draw from the San Luis Obispo County-Approved Plant List and the Calscape, or California Native Plant Society, database of plants native to the area. Species will be selected to be relatively low maintenance, have minimal leaf litter, and be non-fruiting so as not to attract vectors or birds.

#### East Landscape Buffer

Single-family residences overlook the east edge of the project site, with views toward the hills of the surrounding regional open space west of the city. A Class I bike trail traverses the Historic Railroad District, connecting to regional trails and other San Luis Obispo recreation sites.

Landscape material for the east buffer will be congruent with the existing plant palette – a diverse mix of native/adaptive species consistent with the California chaparral and foothill meadow plant communities. The main objective in enhancing the landscape buffer at the east edge is to frame views

over the existing rail yard toward the distant hills, screening the project site and its enhanced maintenance operations.

### West Landscape Buffer and Class I Bike Trail

Multi-family condominiums and apartments are located adjacent to the project site's western edge. The majority of the on-site landscape buffer area is to be established between the proposed rail improvements and maintenance program elements and these adjacent residences.

Additionally, a new segment of Class I bike trail, from approximately McMillan Avenue to the Amtrak Station, is identified in the City of San Luis Obispo's Active Transportation Plan's Tier 3 Project List as a future Class I trail connecting existing Class I, II, and III segments to comprise the Railroad Safety Trail. This portion is approximately 0.84 miles of new Class I trail. Should project conditions, land use, and ROW alignments allow, the proposed project would construct a portion of the new segment of Class I bike trail, from approximately High Street to Francis Street. The LOSSAN Rail Corridor Agency will be responsible for the design and construction of the bike path within the existing railroad ROW, concurrent with each phase of the project.

The bike path would meander slightly through the landscape buffer, providing users distance from the rail yard operations and limiting the impact of trail activity noise on the adjacent residential communities. This new connection would provide largely protected bike and pedestrian trail access from the Old Town Historic District through the Railroad Historic District, from the San Luis Obispo Railroad Museum, past the rail yard at project site, and back into the urban fabric of housing and light commercial use.

### 2.3.8 Roundhouse Protected Zone

The new segment of Class I bike trail presents the opportunity to facilitate public view of the historic site of the Southern Pacific Railroad roundhouse, where the structure's remnant foundation remains visible. Hosting the last steam locomotive in 1956, the roundhouse was demolished in 1959, with the train depot following in 1971, and finally, the turntable in 1994. The unique historic relevance of the roundhouse continues the rail history narrative set by the Railroad Museum to the north and reinforces the area's designation as the Railroad Historic District.

The project's program elements would be arranged to avoid significant impact to the roundhouse footing, preserving as much exposed surface for view as possible. The proposed project would install a transparent perimeter fence along the southwest edge of the roundhouse, where bench seating and interpretive signage will be sited to create an informational node along the active transportation corridor.

### 2.3.9 Site Security

The site perimeter would be secured with an 8-foot transparent anti-climb fence. Motorized vehicular gates would be provided at all egress/ingress points. Video surveillance cameras would also be installed along the perimeter of the site.

Outdoor lighting is proposed as a component of the project for nighttime safety and security purposes. In areas where lighting is proposed in proximity to existing residential, outdoor lighting will be directed downward and shielded to minimize light spillage onto adjacent residential areas. The purpose of the landscape buffers is to further help shield light. In addition to direction and shielded lighting fixtures, there will be vegetation that will grow over time to further help block excess light from the facility.



Additionally, as described in EIR Section 2.3.7 Landscape Plan, the proposed landscape plan is intended, in part, to provide a visual buffer by screening the rail maintenance operations from adjacent neighboring residential and recreational uses. Outdoor lighting will comply with SLOMC 17.70.100.

## 2.3.10 Phasing

Funding is currently not available to construct the entire facility at once. Instead, a phased construction approach is intended, constructing an initial portion of the facility which includes the most immediately needed elements, and adding the remaining components as the need arises and additional funding becomes available. The following sections identify the components that would be constructed under Phase 1 and later phases of the proposed project.

### Phase 1

Phase 1 intends to meet or exceed the functionality of the existing layover facility and add layover capacity for at least one additional train. This initial phase would include landscaping and trail enhancements around the Phase 1 footprint as well as water quality improvements and underground utility services to serve the ultimate facility. Phase 1 would include the following project components:

- North portions of West Landscape Buffer, 30 feet with pedestrian/bike path, 20-foot minimum setback plus 10 feet
- East Landscape Buffer, green space enhancement wrapping the existing bike path north-to-south
- Upper Yard/Lower Yard site improvements including:
  - Civil topography, grading, drainage, stormwater utilities
  - North-to-south 20-foot access drive, yard paving and service roads
  - Improvements at “Roundhouse Protected Zone”
  - Yard perimeter fencing and gates at access points - one (1) main entry at Roundhouse Street (north end of Central Yard); three (3) emergency access points (north and south end of site, south end of Central Yard); fencing only around yard body
  - All railroad maintenance roads and mainline east / west perimeter fencing; yard paving and site access roads
  - Trackside shelters and services including waste / recycling enclosure
- Temporary portable buildings for essential work functions
- 1 S&I Position, gage pit with canopy
- 2 storage tracks, including S&I track
- Yard / Exterior Area site improvements including partial build-out of parking and driveway

### Later Phases

Later phases would include the remaining Master Plan components as dictated by operational needs and as allowed by available funding. Initially this would focus on all items identified as essential components of the ultimate facility, followed later by those features that would expand overall capacity of the facility, as well as enhance operations and efficiency, but which are not immediately mandatory.

The following project components could be constructed on the project site based on operational needs and available funding:

- Remaining portions of West Landscape Buffer, 30 feet with pedestrian/bike path, 20-foot minimum setback plus 10 feet
- Yard/Exterior Area site improvements remaining from Phase 1 including parking, driveway, laydown and enclosed yard areas, emergency generator
- 1 wash track with Train Wash Building foundation and pit / infrastructure
- 1 south tail track and connection
- 3 locomotive storage tracks, including 1 extended-length storage track
- Facility Structures (core/shell, interior build-out, equipment installation)
  - Operations (administration)
  - Fleet Maintenance
  - Fleet Maintenance Shops
  - Parts storeroom
  - MOW Shops foundation/pad
  - Train Wash Building, structure/wash arch/canopy
  - Wheel Truing Building and Support Areas
  - Fueling structure and arch
- Wheel Truing Building trackwork and switch
- Retaining wall and grading to support wheel truing building and trackwork

## 2.4 Construction

As described above, funding is currently not available to construct the entire facility at once. Therefore, a phased construction approach is intended, constructing the Phase 1 project components first, and adding the remaining components as the need arises and additional funding becomes available. The following sections provide details regarding the project timeline and construction process.

### 2.4.1 Phase 1

Project construction for Phase 1 would begin as early as April 2024 and last for approximately 19 months. The work would begin with ground improvements to prepare the site for construction of buildings. Once the buildings are constructed the tracks would be installed. Construction may involve multiple crews working simultaneously and would include equipment such as track stabilizers, excavators, front-end loaders, rubber-tired dozers, cranes, haul trucks, and water trucks.

A summary of the construction activities associated with Phase 1 is provided below:

- Demolition and Rough Grading
- Utility Relocations
- West/East Landscape Buffer and Bike Path



- Access Drive, yard paving and service roads
- Fencing
- S&I Position, gage pit with canopy
- Storage track and 2 turnouts
- Exterior parking and driveway

## 2.4.2 Later Phases

Project construction for the later phases would be approximately 16 months in duration. Mobilization and demobilization time would add to the duration for later phases depending on how they end up being broken out, though breaking the remaining work into smaller phases would reduce the magnitude of impact for each smaller phase. A summary of the construction activities associated with later phases is provided below:

- West/East landscape buffer and bike path
- Exterior parking and driveway
- Track construction and 10 turnouts
- Operations building
- Fleet maintenance building
- Parts storeroom
- MOW shops foundation/pad
- Train wash building
- Wheel truing building
- Retaining wall
- Fueling structure

### Construction Staging and Access

Material and equipment imports and construction personnel would access the project study area via walking points from the nearest fence access or staging area. Most construction equipment would be brought to the project site at the beginning of the construction process during construction mobilization and would remain on-site throughout the duration of the construction activities for which they were needed.

Construction activities would be scheduled during time frames that allow for exclusive track occupancy by construction crews to minimize effects on LOSSAN operations. To the greatest extent possible, construction activities would be scheduled during the daytime. No weekend work is anticipated.

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### 3 Statutory Requirements

CEQA Findings play an important role in the consideration of projects for which an EIR is prepared. Under Public Resources Code §21081 and CEQA Guidelines §15091, where a final EIR identifies one or more significant environmental effects, a project may not be approved until the public agency makes written findings supported by substantial evidence in the administrative record as each of the significant effects. In turn, the three possible findings specified in CEQA Guidelines §15091(a) are:

- (1) *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- (2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- (3) *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

CEQA Guidelines §15092(b) provides that no agency shall approve a project for which an EIR was prepared unless either:

1. The project as approved will not have a significant effect on the environment, or
2. The agency has:
  - a. Eliminated or substantially lessened all significant effects on the environment where feasible as shown in the findings under Section 15091, and
  - b. Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

The findings reported in the following pages incorporate the facts and discussions in the EIR for the project as fully set forth therein. For each of the significant impacts associated with the project, the following sections are provided:

- *Impact:* A specific description of the environmental effects identified in the EIR.
- *Finding:* One or more of the three specific findings set forth in CEQA Guidelines Section 15091.
- *Mitigation Measures:* Identified feasible mitigation measures or actions that are required as part of the project and, if mitigation is infeasible, the reasons supporting the finding that the rejected mitigation is infeasible.
- *Rationale:* A summary of the reasons for the finding(s).

#### 3.1 Record of Proceedings

For the purposes of CEQA and the findings set forth herein, the record of proceedings for the LOSSAN Rail Corridor Agency's decision on the proposed project consists of: (a) matters of common knowledge to the LOSSAN Rail Corridor Agency, including, but not limited to, federal, state, and local laws and

regulations; and (b) the following documents which are in the custody of the LOSSAN Rail Corridor Agency:

- Notice of Preparation and other public notices issued by the LOSSAN Rail Corridor Agency in conjunction with the proposed project
- The Draft EIR dated November 2021, including all associated technical appendices and documents that were incorporated by reference
- The Recirculated Draft EIR dated September 2022, including all associated technical appendices and documents that were incorporated by reference
- All testimony, documentary evidence, and all correspondence submitted in response to the proposed project during the scoping meeting or by agencies or members of the public during the public comment period of the Draft EIR and Recirculated Draft EIR; and responses to those comments contained in Final EIR
- The Final EIR dated November 2022, including all associated technical appendices and documents that were incorporated by reference
- The Mitigation Monitoring and Reporting Program
- All findings and resolutions adopted by the LOSSAN Rail Corridor Agency in connection with the proposed project; and all documents cited or referenced to therein
- All final technical reports, studies, maps, correspondence, and all planning documents prepared by the LOSSAN Rail Corridor Agency or the consultants relating to the proposed project
- All documents submitted to the LOSSAN Rail Corridor Agency by agencies or members of the public in connection with development of the proposed project
- All actions of the LOSSAN Rail Corridor Agency with respect to the proposed project
- Any other materials required by Public Resources Code (PRC) Section 21167.6(e) to be in the record of proceedings.





## 4 Environmental Impacts Found to be Significant and Unavoidable

### 4.1 Cultural Resources (Project-Level)

#### 4.1.1 Impact 3.5-1: Historical Resources

**Impact** The proposed project has the potential to significantly impact the following historical resources:

- San Luis Obispo Southern Pacific Railroad National Register of Historic Places (NRHP) Historic District
- City of San Luis Obispo Local Railroad Historic District
- Southern Pacific Roundhouse and Rail Yard Site.

**Finding** (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

#### **Mitigation Measures**

**CUL-1 Public Outreach and Educational Display.** Prior to grading activities, the LOSSAN Rail Corridor Agency will hire an individual meeting the Secretary of the Interior's Professional Qualification Standards to carry out archival research and interviews into the history of Southern Pacific Rail Yard and compilation of existing materials such as historic maps. The LOSSAN Rail Corridor Agency will design, fabricate, and install educational displays, based on archival documentation and archaeological data, that explore not only the roundhouse but other important rail yard features such as the powerhouse, plumbing shop, store house, repair tracks, etc. The educational displays will include interpretive panels with historical photographs, maps, and narrative text demonstrating the history of the rail yard, how it appeared in its heyday, and what remained of the site prior to construction of the project. The displays will be placed at the Roundhouse Protected Zone and other suitable locations along the proposed bike and pedestrian trail/walk of history that will run along the west side of the project site.

**Rationale** *Southern Pacific Roundhouse and Rail Yard Site.* The Southern Pacific Roundhouse and Rail Yard Site is a historic archaeological site that represents the remnant features of the historic Southern Pacific rail yard in San Luis Obispo. Two of its components (the roundhouse and turntable foundations) were determined eligible for the NRHP under Criteria A and C as a contributing element of the railroad historic district at the local level of significance. Due to its NRHP eligible status, this site is automatically listed in the CRHR and is eligible under CRHR. The previously recorded and evaluated roundhouse/turntable site was expanded as a result of fieldwork undertaken for the cultural resources study for the proposed project to incorporate 16 additional features (all of which are concrete foundations/pads). The 16 additional features are also recommended eligible for the CRHR. Implementation of the project will involve site grading and would include the removal of the remnant isolated concrete foundations, with the exception of a portion of the roundhouse foundation, in order to properly stabilize the site soils to accommodate the

proposed project. The LOSSAN Rail Corridor Agency has determined that retaining other surface slabs on the site is not feasible because: 1) the existing slabs set the grade of the site in areas that need to be regraded to achieve appropriate drainage and roadway slopes for the proposed project features; and 2) the existing slabs are cracked and displaced in many areas. If allowed to remain in place under the proposed paving (where the grades would allow), the differential stiffness of the ground versus the old foundations leads to cracking up through the new paving surface. It should also be noted that, where the preserved portion of the red rock sidewall foundation exists in the Roundhouse Protection Zone (RPZ), no new buildings or roadways are proposed associated with the project. Because these foundations are scattered throughout the site, avoidance is not feasible. Maintaining these concrete foundations in place is not feasible as project components would be constructed over these features, which would jeopardize the integrity of the supporting soils.

As recommended in the Preliminary Geotechnical Design Report prepared for the project (see Appendix F of this EIR), “prior to construction, the site should be cleared of all existing improvements and debris within the footprint of the proposed improvements ... Cavities resulting from removal of the existing underground structures should be excavated to reach a firm and non-yielding subgrade before being properly backfilled and compacted. As judged by the project geotechnical engineer’s representative onsite, all deleterious and organic materials exposed at the surface should be stripped and removed until a firm and nonyielding subgrade is reached. Deleterious material may include uncertified, compressible, collapsible, or expansive soils.” The majority of proposed project construction would occur over the top of the existing historic foundations. According to the conceptual site plan (see Chapter 2, Project Description of this EIR), the south end of the roundhouse foundations, down to the powerhouse foundation, would be converted into a parking area. Other foundations south of this location would be covered by operations and maintenance buildings and a driveway. The depth of excavation for the project improvements are anticipated to range from approximately 2 feet for roads to 11 feet for the inspection pit. Based on the site preparation and grading requirements for project implementation, the foundations (i.e., Features 1 through 16) south of the roundhouse would need to be demolished/removed and the area graded. The turntable retaining wall and filled in pit would also be removed.

Per Section 15126.4(b)(3) of the CEQA Guidelines, the CEQA lead agency should seek to avoid damaging effects on any historical resource of an archaeological nature to the greatest extent feasible. To meet this preferred manner of mitigating impacts to archaeological sites, the project has been designed to avoid the visible portions of the Roundhouse Foundations to the extent feasible, and the project plan includes a RPZ so that the program elements associated with the proposed project would be arranged to avoid a significant impact on the roundhouse footing, preserving as much exposed surface for view as possible. The LOSSAN Rail Corridor Agency proposes to install a permanent transparent perimeter fence along the southwest edge of the roundhouse, where permanent bench seating and interpretive signage would be sited to create an informational node along the active transportation corridor. The RPZ is one form of mitigation which, when implemented, would help reduce impacts to historical resources.

In addition to avoidance, an educational display and accommodating public viewing will be created at the roundhouse foundation location which will facilitate public viewing and an



understanding of the historical railroad setting of the area (Mitigation Measure CUL-1). However, because impacts to the 16 additional features which are recommended as eligible for the CRHR (all of which are concrete foundations/pads) and are considered contributing features to the Southern Pacific Roundhouse and Rail Yard, and portions of the Roundhouse foundation are unavoidable, the impact to the Southern Pacific Rail Yard would be significant and unavoidable. No other feasible mitigation measures have been identified.

*San Luis Obispo Southern Pacific Railroad NRHP Historic District.* The NRHP Historic District was determined eligible for listing in the NRHP under Criteria A and C with SHPO concurrence. It is therefore eligible for listing in the CRHR under Criteria 1 and 3. The proposed project includes new storage tracks, a rail car wash, several operations and maintenance buildings, and parking areas, the construction of which would physically demolish or destroy the Southern Pacific Roundhouse and Rail Yard Site, a contributing element of the district. As such, impacts to the district would be potentially significant. As noted earlier, only a remnant of the original turntable foundation exists on the project site today, and is in damaged condition, likely associated with previous roundhouse demolition. The turntable pit has been completely filled in, but the outline is still visible on the surface. All that remains of the original roundhouse is the degraded concrete foundations and a portion of the housing for the turntable.

The proposed project will implement Mitigation Measure CUL-1, which requires archival documentation of the district and educational installations displaying historical photographs, maps, and narrative text documenting the history of the Southern Pacific Rail Yard. In addition, a more conservative approach to the impact determination has been made to consider the Southern Pacific Roundhouse and Rail Yard Site as a contributing element to the San Luis Obispo Southern Pacific Railroad NRHP Historic District. Therefore, the project's impact to the San Luis Obispo Southern Pacific Railroad NRHP Historic District will not be reduced to less than significant with the implementation of Mitigation Measure CUL-1. Therefore, this impact would be significant and unavoidable.

*City of San Luis Obispo Local Railroad Historic District.* The City of San Luis Obispo Local Railroad Historic District is a local, city designated historical resource. Since the City of San Luis Obispo Local Railroad Historic District is included in a local register of historical resources, it qualifies as a historical resource under CEQA. As with the San Luis Obispo Southern Pacific Railroad NRHP Historic District above, project construction would physically demolish or destroy the Southern Pacific Roundhouse and Rail Yard Site, a contributing element of the district. As such, impacts would be potentially significant. The proposed project will implement Mitigation Measure CUL-1, which requires archival documentation of the district and educational installations displaying historical photographs, maps, and narrative text documenting the history of the Southern Pacific Rail Yard. Since the Southern Pacific Roundhouse and Rail Yard site is considered a contributing element to the City of San Luis Obispo Local Railroad Historic District, the project's impact to this district will be significant. The project's impact will not be reduced to less than significant with the implementation of Mitigation Measure CUL-1. This impact would be significant and unavoidable.

## 4.1.2 Impact 3.5-2: Archaeological Resources

**Impact** Portions of the Southern Pacific Roundhouse and Rail Yard Site would be impacted by the project. It is also possible that previously undiscovered prehistoric archaeological deposits are present and could be uncovered during deeper ground disturbing activities.

**Finding** (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

### Mitigation Measures

**CUL-1 Public Outreach and Educational Display.**

**CUL-2 Construction Monitoring and Inadvertent Discovery of Archeological Resources.** Full-time monitoring for archaeological deposits will be conducted in the project site during ground-disturbing construction activities occurring within undisturbed Holocene soils (i.e., cultural-bearing soils related to both prehistoric and historic activities). Monitoring of ground-disturbing activities in disturbed or pre-Holocene soils is not required. Monitoring will be carried out by a qualified archaeologist and Native American monitor from the Salinan Tribe of Monterey and San Luis Obispo Counties. Monitoring will be conducted in accordance with a Monitoring and Discovery Plan to be prepared for the project by an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards. This qualified archaeologist will oversee the archaeological monitoring of the area.

The Monitoring and Discovery Plan will identify monitoring locations and protocols and include provisions for the accidental discovery of archaeological features or deposits during construction. These provisions shall include stop work protocols, notification procedures, and methodology for assessing the nature and significance of the find. If the feature or deposit is determined to be significant, the data recovery and analysis procedures outlined in the Monitoring and Discovery Plan shall be implemented.

**Rationale** The Southern Pacific Roundhouse and Rail Yard Site is considered a historic archaeological resource. As discussed above (Section 4.1.1: Historical Resources), even with implementation of Mitigation Measure CUL-1 and avoidance of the roundhouse foundation to the extent feasible, portions of the Roundhouse foundation are unavoidable and the impact to the Southern Pacific Roundhouse and Rail Yard Site would be significant and unavoidable.

Mitigation Measure CUL-2 requires a qualified archaeologist and Native American monitor to conduct full-time monitoring for archaeological deposits on the project site during ground-disturbing construction activities occurring within undisturbed Holocene soils (i.e., cultural-bearing soils related to both prehistoric and historic activities). Monitoring will be conducted in accordance with a Monitoring and Discovery Plan to be prepared for the project by an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards. The Monitoring and Discovery Plan will identify monitoring locations and protocols and include provisions for the accidental discovery of archaeological features or deposits during construction. These provisions will include stop work protocols, notification procedures, and methodology for assessing the nature and significance of the find. If the feature or deposit is determined to be significant, the data recovery and analysis procedures outlined in the Monitoring and Discovery Plan will be



implemented. With implementation of Mitigation Measure CUL-2, the potential impact on archaeological resources would be reduced to a level less than significant.

## 4.2 Cultural Resources (Cumulative)

In addition to the environmental impacts caused by the proposed project as discussed in Section 5 above, the City Council finds that implementation of the proposed project will result in the following significant and unavoidable cumulative impact.

### 4.2.1 Impact 3.5-1: Historical Resources

**Impact** Project-related ground disturbing activities includes the construction of new storage tracks, a rail car wash, several operations and maintenance buildings, and parking areas, which has the potential to result in significant adverse impacts to the following identified historical resources:

- Southern Pacific Roundhouse and Rail Yard Site
- San Luis Obispo Southern Pacific Railroad NRHP Historic District
- City of San Luis Obispo Local Railroad Historic District

**Finding** (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

### Mitigation Measures

#### **CUL-1 Public Outreach and Educational Display.**

**Rationale** Even with implementation of Mitigation Measure CUL-1 and avoidance of the roundhouse foundation to the extent feasible, portions of the Roundhouse foundation are unavoidable and the impact to the Southern Pacific Roundhouse and Rail Yard Site would be significant and unavoidable. Furthermore, the Southern Pacific Roundhouse and Rail Yard Site is a contributing element to the San Luis Obispo Southern Pacific Railroad NRHP Historic District and City of San Luis Obispo Local Railroad Historic District. Therefore, the proposed project would result in a significant and unavoidable impact to the San Luis Obispo Southern Pacific Railroad NRHP Historic District and City of San Luis Obispo Local Railroad Historic District. This is considered a cumulatively considerable impact.

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## 5 Environmental Impacts Found to be Less than Significant After Mitigation

### 5.1 Air Quality

#### 5.1.1 Impact 3.3-2: Cumulatively Considerable Net Increase of Any Criteria Pollutant

**Impact** Project construction would not result in emissions in exceedance of the San Luis Obispo Air Pollution Control District's (SLOAPCD) significance thresholds. Therefore, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, and this would be considered a less than significant impact. Although calculated impacts are less than significant, the project would be required to comply with SLOAPCD measures for dust control. These measures are memorialized in Mitigation Measures AQ-3 and AQ-4.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

#### Mitigation Measures

**AQ-3 Fugitive Dust Control Measures.** Construction activities can generate fugitive dust, which could be a nuisance to residents and businesses in close proximity to the proposed construction site. Projects with grading areas more than 4 acres and/or within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) ([https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Rule\\_401.pdf](https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Rule_401.pdf)) and minimize nuisance (APCD Rule 402) ([https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Rule\\_402.pdf](https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Rule_402.pdf)) impacts:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the San Joaquin Valley Air District for a list of potential dust suppressants: <https://ww2.valleyair.org/compliance/dust-control/reducing-dust-emissions/>;
- c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;

- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used;
- e. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code (CVC) Section 23114;

“Track-Out” is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent ‘track out’, designate access points and require all employees, subcontractors, and others to use them. Install and operate a ‘track-out prevention device’ where vehicles enter and exit unpaved roads onto paved streets. The ‘track-out prevention device’ can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;

- a. All fugitive dust mitigation measures shall be shown on grading and building plans;
- b. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact the Compliance Division at 805-781-5912).
- c. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- e. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- f. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- g. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- h. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.





**Plan Requirements and Timing.** The LOSSAN Rail Corridor Agency shall submit a Fugitive Dust Control Plan to the APCD for review prior to the issuance of grading permits for the first project phase.

**Monitoring.** The LOSSAN Rail Corridor Agency shall verify compliance with the Fugitive Dust Control Measure Plan during the grading phases of project construction.

**AQ-4**

**Limits of Idling During Construction Phase.** State law prohibits idling diesel engines for more than 5 minutes. All projects with diesel-powered construction activity shall comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines. The specific requirements and exceptions for the on-road and off-road regulations can be reviewed at the following web sites: [arb.ca.gov/sites/default/files/classic/msprog/truck-idling/13ccr2485\\_09022016.pdf](http://arb.ca.gov/sites/default/files/classic/msprog/truck-idling/13ccr2485_09022016.pdf) and [arb.ca.gov/regact/2007/ordiesl07/frooal.pdf](http://arb.ca.gov/regact/2007/ordiesl07/frooal.pdf).

In addition, because this project is within 1,000 feet of sensitive receptors, the project applicant shall comply with the following more restrictive requirements to minimize impacts to nearby sensitive receptors.

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
3. Use of alternative fueled equipment is recommended; and
4. Signs that specify no idling areas must be posted and enforced at the site.

**Plan Requirements and Timing.** The LOSSAN Rail Corridor Agency shall comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines.

**Monitoring.** The LOSSAN Rail Corridor Agency shall verify compliance with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction during all phases of project construction.

**Rationale**

Mitigation Measure AQ-3 requires the LOSSAN Rail Corridor Agency to submit a Fugitive Dust Control Plan to the SLOAPCD for review prior to the issuance of grading permits for the first project phase. The Fugitive Dust Control Plan will include measures to manage fugitive dust emissions such that they do not exceed the SLOAPCD 20% opacity limit and minimize nuisance impacts. Mitigation Measure AQ-4 requires the LOSSAN Rail Corridor Agency to comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines. Although calculated impacts are less than significant, implementation of Mitigation Measures AQ-3 and AQ-4 would further reduce the project's construction emissions and ensure emissions do not rise to a level of significance.

## 5.1.2 Impact 3.3-3: Sensitive Receptors – San Joaquin Valley Fever

**Impact** Project construction activities, including grading and construction vehicle traffic, could generate substantial localized quantities of dust and expose sensitive receptors (i.e., nearby residents, construction workers, etc.) to potential health hazards associated with the *Coccidioides immitis* fungus, particularly during periods of high wind.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

### Mitigation Measures

**AQ-1 Construction Valley Fever Plan.** The LOSSAN Rail Corridor Agency and contractor(s) shall prepare a Construction Valley Fever Plan to ensure the implementation of the following measures during construction activities to reduce impacts related to Valley Fever.

- A. If peak daily wind speeds exceed 15 mph or peak daily temperatures exceed 95 degrees Fahrenheit for three consecutive days, additional dust suppression measures (such as additional water or the application of additional soil stabilizer) shall be implemented prior to and immediately following ground disturbing activities. The additional dust suppression shall continue until winds are 10 mph or lower and outdoor air temperatures are below a peak daily temperature of 90 degrees for at least two consecutive days.
- B. Heavy construction equipment traveling on un-stabilized roads within the project site shall be preceded by a water truck to dampen roadways and reduce dust from transportation along such roads.
- C. The LOSSAN Rail Corridor Agency shall notify the San Luis Obispo County Public Health Department and the City not more than 60 nor less than 30 days before construction activities commence to allow the San Luis Obispo County Public Health Department the opportunity to provide educational outreach to community members and medical providers, as well as enhanced disease surveillance in the area both during and after construction activities involving grading.
- D. Prior to any project grading activity, the project construction contractor(s) shall prepare and implement a worker training program that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction, including the fact that certain ethnic groups and immune-compromised persons are at greater risk of becoming ill with Valley Fever. The objective of the training shall be to ensure the workers are aware of the danger associated with Valley Fever. The worker training program shall be included in the standard in-person training for project workers and shall identify safety measures to be implemented by construction contractors during construction. Prior to initiating any grading, the LOSSAN Rail Corridor Agency shall provide the City and the San Luis Obispo County Public Health Department with copies of all educational training material for review and approval. No later than 30 days after any new employee or employees begin work, the LOSSAN Rail Corridor Agency shall submit evidence to the City that each employee has acknowledged receipt of the training (e.g., sign-in sheets with a statement verifying receipt and understanding of the training).



- E. The LOSSAN Rail Corridor Agency shall work with a medical professional, in consultation with the San Luis Obispo County Public Health Department, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site that includes the following information on Valley Fever:
- Potential sources/causes
  - Common symptoms
  - Options or remedies available should someone be experiencing these symptoms
  - The location of available testing for infection

Prior to any project grading activity, this handout shall have been created by the LOSSAN Rail Corridor Agency. No less than 30 days prior to any surface disturbance (e.g., grading, filling, trenching) work commencing, this handout shall be mailed to all existing residences within three miles of the project site. The LOSSAN Rail Corridor Agency shall verify compliance with the Construction Valley Fever Plan during the grading phases of project construction. The LOSSAN Rail Corridor Agency shall also verify notification of the San Luis Obispo County Public Health Department, implementation of the worker training program, and mailing of the educational handout via developer-submitted materials.

**Rationale** Mitigation Measure AQ-1 requires the LOSSAN Rail Corridor Agency and its construction contractor(s) to prepare a Construction Valley Fever Plan. This plan identifies risk-minimizing Valley Fever suppression measures that would be implemented during construction, including additional dust suppression if peak daily wind speeds exceed 15 mph or peak daily temperatures exceed 95 degrees Fahrenheit for three consecutive days; conducting a worker training program that describes the potential health hazards associated with Valley Fever; and, coordination with the San Luis Obispo County Public Health Department to provide an educational handout to on-site workers and surrounding residents that includes information on the potential sources, common symptoms, treatment remedies, and available testing locations. The LOSSAN Rail Corridor Agency and all construction contractors operating on the project site would also be required to implement all of California Title 8 safety and health regulations necessary to protect employees from Valley Fever. Implementation of Mitigation Measure AQ-1 and compliance with California Title 8 safety and health regulations would reduce the potential impact associated with exposure to Valley Fever during construction to a level less than significant.

### 5.1.3 Impact 3.3-3: Sensitive Receptors – Naturally Occurring Asbestos

**Impact** The project would result in excavation and grading of soils within a mapped naturally occurring asbestos (NOA) buffer area, which may release NOA into the air.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

## Mitigation Measures

**AQ-2 Naturally Occurring Asbestos Air Toxics Control Measure Compliance.** The LOSSAN Rail Corridor Agency shall prepare a geologic evaluation to determine and describe the extent of serpentine rock on the project site. Depending on the conclusions of the geologic evaluation, the LOSSAN Rail Corridor Agency shall prepare and file:

- An exemption request form (if no serpentine is present);
- A Mini Dust Control Measure Plan (if less than 1 acre of serpentine is present); or
- An Asbestos Dust Control Measure Plan (if more than 1 acre of serpentine is present).

If the project requires either a Mini Dust Control Measure Plan or an Asbestos Dust Control Measure Plan, the LOSSAN Rail Corridor Agency will be required to submit the geologic evaluation and Mini Dust Control Measure Plan or an Asbestos Dust Control Measure Plan to the San Luis Obispo Air Pollution Control District (SLOAPCD) for approval prior to any project grading activity.

**Rationale** Since the project site lies within an area with the potential to contain NOA per the SLOAPCD NOA Web map, compliance with the NOA Air Toxics Control Measure (ATCM) would be required, as described in Mitigation Measure AQ-2. Mitigation Measure AQ-2 requires the LOSSAN Rail Corridor Agency to prepare a geologic evaluation to determine the extent of serpentine rock on the project site. Based on the findings of the geologic evaluation, the LOSSAN Rail Corridor Agency will be required to file an exempt request form if no serpentine is present on the project site, prepare a Mini Dust Control Measure Plan if less than 1 acre of serpentine is present on the project site, or prepare an Asbestos Dust Control Measure Plan if more than 1 acre of serpentine is present on the project site. If the project requires either a Mini Dust Control Measure Plan or an Asbestos Dust Control Measure Plan, the LOSSAN Rail Corridor Agency will be required to submit the geologic evaluation and Mini Dust Control Measure Plan or an Asbestos Dust Control Measure Plan to the SLOAPCD for approval prior to any project grading activity. Implementation of Mitigation Measure AQ-1 would reduce the potential impact associated with exposure to NOA during construction to a level less than significant.

## 5.2 Biological Resources

### 5.2.1 Impact 3.4-1: Special-Status Wildlife

**Impact** Potentially suitable habitat for loggerhead shrike and white-tailed kites occurs within the disturbed habitat of the biological study area (BSA). Direct impacts on active loggerhead shrike and white-tailed kite nests are prohibited by the Migratory Bird Treaty Act and California Fish and Game Code and, as such, potential construction impacts to existing vegetation within the project footprint would be considered significant.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.



## Mitigation Measures

**BR-1 Migratory and Nesting Birds.** If construction activities occur between January 15 and September 15, a preconstruction nesting bird survey (within 7 days prior to construction activities) shall be conducted by a qualified biologist to determine if active nests are present within the area proposed for disturbance to avoid the nesting activities of breeding birds. The results of the surveys will be submitted to the LOSSAN Rail Corridor Agency (and made available to the wildlife agencies [USFWS/CDFW], upon request) prior to initiation of any construction activities. Should nesting bird species aside from European starlings (*Sturnus vulgaris*) and house sparrows (*Passer domesticus*) be found, a 300-foot (500 feet for raptors) exclusionary buffer will be established by the biologist. This buffer shall be clearly marked in the field by construction personnel under guidance of the biologist, and construction or clearing will not be conducted within this buffer zone until the biologist determines that the young have fledged or the nest is no longer active. At the discretion of the biologist, the buffer may be reduced if the nest is buffered by existing visual and noise barriers such as hills, walls, buildings, etc. visual and noise barriers are added, or the nesting species is known to tolerate higher levels of disturbance.

**Rationale** Mitigation Measure BR-1 requires a qualified biologist to conduct a preconstruction nesting bird survey (within 7 days prior to construction activities) if construction activities occur between January 15 and September 15. The survey would determine if active nests are present within the area proposed for disturbance to avoid the nesting activities of breeding birds. Should nesting bird species aside from European starlings and house sparrows be found, a 300-foot (500 feet for raptors) exclusionary buffer will be established by the biologist. This buffer shall be clearly marked in the field by construction personnel under guidance of the biologist, and construction or clearing will not be conducted within this buffer zone until the biologist determines that the young have fledged or the nest is no longer active. Implementation of Mitigation Measure BR-1 would reduce the potential impact on migratory and nesting birds to a level less than significant.

### 5.2.2 Impact 3.4-3: Wetlands

**Impact** Two small patches of cattail occur west of the rail and at the toe of the rail embankment within the project footprint. These small and isolated patches of cattail appear to occur as a result of sheet flow from the surrounding compacted upland areas collecting at the base of the constructed rail embankment. Soils were observed to be saturated and exhibited a salt crust. Based on the predominance of hydrophytic vegetation and indicators of wetland hydrology, these features may qualify as wetland. The project could have an adverse impact on wetlands if any of the aquatic resources identified are determined to be regulated by the United States Army Corps of Engineers (USACE) or Regional Water Quality Control Board (RWQCB), and those features will be subject to a discharge of fill. Such potential impacts would be considered significant.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

## Mitigation Measures

**BR-2 State or Federally Regulated Wetlands.** A formal Jurisdictional Delineation will be conducted prior to the initiation of project construction. If any of the aquatic resources identified herein are determined to be regulated by USACE or RWQCB and those features will be subject to a discharge of fill, then the appropriate regulatory permits would be sought and compensatory mitigation for the permanent loss of wetland would be provided at a minimum 1:1 ratio. Compensatory mitigation would include a minimum of 1:1 wetland establishment to ensure that the project results in no net loss of wetland.

**Rationale** Mitigation Measure BR-2 would require a formal Jurisdictional Delineation to be conducted prior to the initiation of project construction to determine if any of the aquatic resources on the project site are regulated by USACE or RWQCB. If the aquatic resources are determined to be regulated by USACE or RWQCB and subject to discharge of fill, the LOSSAN Rail Corridor Agency will be required to obtain the appropriate regulatory permits and provide compensatory mitigation for the permanent loss of wetland at a minimum 1:1 ratio to ensure no net loss of wetland. Implementation of Mitigation Measure BR-2 would reduce the potential impact on wetlands to a level less than significant.

## 5.3 Cultural Resources

### 5.3.1 Impact 3.5-3: Human Remains

**Impact** Although no surface evidence suggests that any historic burials are located in the project site, implementation of the project will involve grading and ground disturbance within the project footprint and could potentially encounter human remains in the project area.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

## Mitigation Measures

**CUL-3 Inadvertent Discovery of Human Remains.** If any previously unrecorded human remains are inadvertently discovered during construction, all ground-disturbing activities in the vicinity of the discovery must cease immediately and a 50-foot-wide buffer will be established around it to secure it from further disturbance. California State law (Health and Safety Code Section 7050.5; PRC Sections 5097.94, 5097.98, and 5097.99) will be followed on state, county, and private land. This law specifies that work will stop immediately in any areas where human remains or suspected human remains are encountered. The LOSSAN Rail Corridor Agency (lead agency) and the San Luis Obispo county coroner will be immediately notified of the discovery. The coroner has 2 working days to examine the remains after being notified by the lead agency. If the remains are determined to be Native American, the coroner has 24 hours to notify NAHC, who will determine the most likely descendant. The NAHC will immediately notify the identified most likely descendant, and the most likely descendant has 48 hours to make recommendations to the landowner or representative for the respectful treatment or disposition of the remains and grave goods. If the most likely descendant does not make recommendations within 48 hours, the area of the property must be secured from further disturbance. If no recommendation is given, the lead agency or its authorized representative will re-enter the



human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance. This discovery protocol shall be included in the Monitoring and Discovery Plan to be prepared pursuant to Mitigation Measure CUL-2.

**Rationale** Mitigation Measure CUL-3 requires construction be halted immediately if any previously unrecorded human remains are inadvertently discovered during construction. California State law (Health and Safety Code Section 7050.5; PRC Sections 5097.94, 5097.98, and 5097.99) will be followed on state, county, and private land. If the remains are determined to be Native American, the coroner has 24 hours to notify NAHC, who will determine the most likely descendant. The NAHC will immediately notify the identified most likely descendant, and the most likely descendant has 48 hours to make recommendations to the landowner or representative for the respectful treatment or disposition of the remains and grave goods. With implementation of Mitigation Measure CUL-3, the potential impact on human remains would be reduced to a level less than significant.

## 5.4 Geology and Soils

### 5.4.1 Impact 3.7-3: Unstable Geologic Unit or Soil - Liquefaction

**Impact** According to the geotechnical report, the northern portion of the project site is located in an area of moderate liquefaction potential, while the southern portion of the project site is mapped with a low liquefaction potential. Based on the lack of groundwater in the upper 50 feet from the ground surface, per the geotechnical investigation, and relatively dense or hard nature of the material encountered on the project site, the potential for liquefaction is considered low. However, conditions may vary between the exploration locations and seasonal fluctuations in the groundwater level may occur due to variations in rainfall and local groundwater management practices.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

#### Mitigation Measures

**GEO-1 Prepare Final Geotechnical Report.** During final design, a final geotechnical report shall be prepared by a licensed geotechnical engineer (to be retained by the LOSSAN Rail Corridor Agency) to verify conditions identified in the Preliminary Geotechnical Design Report prepared for the project. The final geotechnical report shall address and include site-specific recommendations on the following:

- Site preparation
- Soil bearing capacity
- Appropriate sources and types of fill
- Liquefaction
- Lateral spreading
- Settlement

- Slope stability
- Expansive soils
- Corrosive soils
- Structural foundations
- Grading practices

In addition to the recommendations for the conditions listed above, the final geotechnical report shall include subsurface testing of soil and groundwater conditions and shall determine appropriate foundation designs that are consistent with the latest version of the California Building Code (CBC), as applicable at the time building and grading permits are pursued. The project shall be designed and constructed to comply with the site-specific recommendations as provided in the final geotechnical report.

**Rationale** Mitigation Measure GEO-1 requires a final geotechnical report to be prepared by a licensed geotechnical engineer during final design of the project. The final geotechnical report will address and include site-specific design recommendations on liquefaction. The final geotechnical report will also include results of subsurface testing of soil and groundwater conditions and will provide recommendations as to the appropriate foundation designs that are consistent with the latest version of the CBC, as applicable at the time building and grading permits are pursued. Project infrastructure would be constructed in accordance with standard engineering practices to minimize the adverse impacts of liquefaction throughout operation. Implementation of Mitigation Measure GEO-1 would reduce liquefaction-related hazards to a level less than significant.

#### 5.4.2 Impact 3.7-4: Expansive Soils

**Impact** According to the geotechnical report prepared for the project, the soil within the upper 5 feet had expansion index (EI) values ranging between 0 and 57 corresponding to very low to medium expansion potential. It should be noted that EI testing was performed on the bulk samples collected within the upper 5 feet. Other soil types encountered at depths greater than 5 feet may exhibit higher expansion potential. The presence of expansive soils on the project site has the potential to create a substantial risk to life or property and is considered a significant impact.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

#### Mitigation Measures

**GEO-1 Prepare Final Geotechnical Report (as described above).**

**Rationale** Mitigation Measure GEO-1 requires a final geotechnical report to be prepared by a licensed geotechnical engineer during final design of the project. The final geotechnical report will address and include site-specific design recommendations on expansive soils. The final geotechnical report will also include results of subsurface testing of soil and groundwater conditions and will provide recommendations as to the appropriate foundation designs that are consistent with the latest version of the CBC, as applicable at the time building and grading permits are pursued. Project infrastructure would be





constructed in accordance with standard engineering practices to minimize the adverse impacts of expansive soils. Implementation of Mitigation Measure GEO-1 would reduce the potential expansive soils impact to a level less than significant.

## 5.5 Greenhouse Gas Emissions

### 5.5.1 Impact 3.8-1: Generate Greenhouse Gas Emissions

**Impact** The project's annual operational emissions combined with amortized construction emissions, minus existing facility emissions that would be decommissioned would total approximately 365.91 MT CO<sub>2</sub>e per year, or approximately 5.63 MT CO<sub>2</sub>e per employee per year. The project's GHG emissions would exceed the City of San Luis Obispo's 2020 Climate Action Plan (CAP) efficiency threshold of 0.7 MT CO<sub>2</sub>e per employee per year.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

#### Mitigation Measures

**GHG-1 Install Solar Panels to Off-set At Least Forty Percent of CCLF Project Build-out Electricity Demand.** The LOSSAN Rail Corridor Agency shall install solar panels to off-set at least forty percent of CCLF build-out electricity demand. Given the phased nature of CCLF build-out, this measure shall phase in once CCLF electricity demand reaches 68,750 kilowatt hours (kWh) per year.

**GHG-2 Renewable Diesel for Locomotives.** The LOSSAN Rail Corridor Agency shall require all locomotives to use 100 percent renewable diesel. The use of renewable diesel would reduce locomotive tailpipe CO<sub>2</sub> emissions by approximately 4 percent compared to CARB-certified diesel fuel.

**GHG-3 Purchase of GHG Emissions Offsets.** The LOSSAN Rail Corridor Agency shall work with the San Luis Obispo County APCD to identify and purchase GHG Emissions Offsets sufficient for project GHG emissions to meet the City's 0.7 MT CO<sub>2</sub>e efficiency threshold during full build-out of the project.

To determine the required offsets quantity, the LOSSAN Rail Corridor Agency shall conduct the following:

- 1) Field test the locomotives to ascertain idle fuel consumption per hour,
- 2) Re-quantify project GHG emissions inventory using the actual idle fuel consumption rate,
- 3) Re-calculate GHG emissions per employee using the revised GHG emissions inventory, and
- 4) Calculate the GHG emissions offset requirement needed to achieve 0.7 MT CO<sub>2</sub>e per employee.

The hierarchy of implementation of GHG off-sets as identified in Mitigation GHG-3 shall follow the APCD Interim CEQA Guidance document, in consultation with the APCD, as follows:

- 1) On-site GHG mitigation measures
- 2) SLO County GHG mitigation measures
- 3) California generated off-sets
- 4) North American off-sets
- 5) International off-sets

**Rationale** Mitigation Measure GHG-1 is proposed to ensure that the panels are operational at that point in time when the CAP efficiency threshold would be exceeded (buildout phase of the project). The solar panels would generate electricity to off-set a portion of the CCLF's electricity demand. Mitigation Measure GHG-2 is proposed which requires the use of renewable diesel for the locomotives. Mitigation Measure GHG-3 requires the purchase of GHG emissions off-sets to reduce GHG emissions to below the 0.7 MT CO<sub>2</sub>e efficiency threshold. Implementation of Mitigation Measures GHG-1 through GHG-3 would achieve GHG reductions, so the GHG emission levels at full buildout would be below the 0.7 MT CO<sub>2</sub>e efficiency threshold. With implementation of Mitigation Measures GHG-1 through GHG-3, the project's GHG emissions would be less than significant.

## 5.6 Hazards and Hazardous Materials

### 5.6.1 Impact 3.9-1: Routine Transport, Use, or Disposal of Hazardous Materials

**Impact** Construction, fueling, and servicing of construction equipment may involve the use of hazardous materials and wastes, including the transport, storage, and disposal of commercially available hazardous materials such as gasoline, brake fluids, coolants, and paints. Day-to-day operations, such as train washing and refueling, equipment cleaning, and deposition of fuel oils may result in accidental spills of hazardous materials.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

#### Mitigation Measures

**HAZ-1 Prepare a Construction and Operation Hazardous Materials Management Plan (HMMP).** Prior to construction, an HMMP shall be prepared by the LOSSAN Rail Corridor Agency that outlines provisions for safe storage, containment, and disposal of chemicals and hazardous materials, contaminated soils, including the proper locations for disposal. The HMMP shall be prepared to address the area of the project footprint, and include, but not be limited to, the following:

- A description of hazardous materials and hazardous wastes used (29 CFR 1910.1200)
- A description of handling, transport, treatment, and disposal procedures, as relevant for each hazardous material or hazardous waste (29 CFR 1910.120)



- Preparedness, prevention, contingency, and emergency procedures, including emergency contact information (29 CFR 1910.38)
- A description of personnel training including, but not limited to: (1) recognition of existing or potential hazards resulting from accidental spills or other releases; (2) implementation of evacuation, notification, and other emergency response procedures; (3) management, awareness, and handling of hazardous materials and hazardous wastes, as required by their level of responsibility (29 CFR 1910)
- Instructions on keeping Safety Data Sheets on site for each on-site hazardous chemical (29 CFR 1910.1200)
- Identification of the locations of hazardous material storage areas, including temporary storage areas, which shall be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank (29 CFR 1910.120).
- Identification of specific methods for testing and evaluation of soils that may be encountered in areas not yet remediated, and for any on-site soil movement (excavation, stockpiling) or off-site transport or disposal.
- Identification of controls that will be used to ensure that grading and/or construction activities do not interfere with ongoing soil remediation.

**Rationale** Mitigation Measure HAZ-1 requires the LOSSAN Rail Corridor Agency to prepare an HMMP prior to construction. The HMMP will outline provisions for safe storage, containment, and disposal of chemicals and hazardous materials, and contaminated soils used or exposed during construction, including the proper locations for disposal. Implementation of Mitigation Measure HAZ-1 would reduce impacts related to the routine transport and disposal of hazardous materials to a level less than significant.

### 5.6.2 Impact 3.9-2: Release of Hazardous Materials into the Environment

**Impact** Nine sites of concern were identified from environmental database listings based upon their proximity to the project site and their documented histories of releases of chemicals or petroleum products to soil and/or groundwater. The close proximity of these sites of concern to project-related construction activities would carry the potential for encountering contaminated soil.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

#### Mitigation Measures

**HAZ-1** Prepare a Construction and Operation Hazardous Materials Management Plan (as described above).

**HAZ-2 Halt Construction Work if Potentially Hazardous Materials are Encountered.** All construction contractors shall immediately stop all subsurface activities in the event that potentially hazardous materials are encountered, an odor is identified, or considerably stained soil is visible. Contractors shall follow an approved soil management plan (as part of the HMMP) and all applicable local, state, and federal regulations regarding discovery, response, disposal, and remediation for hazardous materials encountered during the construction process.

**Rationale** Mitigation Measure HAZ-1 requires the LOSSAN Rail Corridor Agency to prepare an HMMP prior to construction. The HMMP will outline provisions for safe storage, containment, and disposal of chemicals and hazardous materials, and contaminated soils used or exposed during construction, including the proper locations for disposal. Mitigation Measure HAZ-2 requires construction contractors to follow an approved soil management plan (as part of the HMMP) and all applicable local, state, and federal regulations regarding discovery, notification, response, disposal, and remediation for hazardous materials encountered during the construction process. Implementation of Mitigation Measures HAZ-1 and HAZ-2 would reduce impacts related to the potential for encountering contaminated soil to a level less than significant.

### 5.6.3 Impact 3.9-3: Emit Hazardous Emissions in Proximity to Schools

**Impact** Sinsheimer Elementary School is located approximately 0.25 mile east of the southern extent of the project site. During construction, there would be use of commercially available hazardous materials such as gasoline, brake fluids, coolants, and paints. Day-to-day operations, such as train maintenance, repair, washing, and refueling, as well as equipment cleaning and deposition of fuel oils may result in accidental spills of hazardous materials.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

#### Mitigation Measures

**HAZ-1 Prepare a Construction and Operation Hazardous Materials Management Plan (as described above).**

**Rationale** Mitigation Measure HAZ-1 requires the LOSSAN Rail Corridor Agency to prepare an HMMP prior to construction. The HMMP will outline provisions for safe storage, containment, and disposal of chemicals and hazardous materials, and contaminated soils used or exposed during construction, including the proper locations for disposal. Implementation of Mitigation Measure HAZ-1 would reduce impacts related to the handling of hazardous materials within 0.25 mile of a school to a level less than significant.

### 5.6.4 Impact 3.9-4: Located on a Hazardous Material Site

**Impact** The project site was not included on any environmental database listings. However, nine sites of concern were identified from environmental database listings based upon their proximity to the project site and their documented histories of releases of chemicals or petroleum products to soil and/or groundwater. The close proximity of these sites of



concern to project-related construction activities would carry the potential for encountering contaminated soil.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

**Mitigation Measures**

**HAZ-1 Prepare a Construction and Operation Hazardous Materials Management Plan (as described above).**

**HAZ-2 Halt Construction Work if Potentially Hazardous Materials are Encountered (as described above).**

**Rationale** Mitigation Measure HAZ-1 requires the LOSSAN Rail Corridor Agency to prepare an HMMP prior to construction. The HMMP will outline provisions for safe storage, containment, and disposal of chemicals and hazardous materials, and contaminated soils used or exposed during construction, including the proper locations for disposal. Mitigation Measure HAZ-2 requires construction contractors to follow an approved soil management plan (as part of the HMMP) and all applicable local, state, and federal regulations regarding discovery, notification, response, disposal, and remediation for hazardous materials encountered during the construction process. Implementation of Mitigation Measures HAZ-1 and HAZ-2 would reduce impacts related to the potential for encountering contaminated soil to a level less than significant.

## 5.7 Noise

### 5.7.1 Impact 3.12-1: Generation of Ambient Noise Levels in Excess of Established Standards (Construction)

**Impact** Construction noise would exceed the Federal Transit Administration's (FTA) guideline of 80 dBA  $L_{eq}$  during Phase 1b (Utility Relocations) and Phase 1f (construction of the S&I Position, gage pit with canopy). Exceedances of the FTA daytime guideline would occur at 3 receptors and is considered a significant impact.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

## Mitigation Measures

**NV-1 Employ Noise-Reducing Measures During Construction.** The construction contractor shall employ measures to minimize and reduce construction noise. Noise reduction measures that will be implemented include, but are not limited to, the following:

- Place site equipment on the construction site as far away from noise sensitive sites as possible.
- Combine noisy operations to have them occur in the same time period.
  - The total noise level produced would not be significantly greater than the level produced if the operations were performed separately.
- Construction activity will be limited to daytime only between the hours of 7:00 a.m. and 7:00 p.m. (no nighttime construction activity will be allowed).
- Use specially quieted equipment, such as quieted and enclosed air compressors and properly working mufflers on all engines.
- Select quieter demolition methods, where feasible.

**NV-2 Prepare a Community Notification Plan for Project Construction.** To proactively address community concerns related to construction noise, prior to construction, the LOSSAN Rail Corridor Agency and/or the construction contractor will prepare and maintain a community notification plan. Components of the plan will include initial information packets prepared and mailed to all residences within a 500-foot radius of project construction. Updates to the plan will be prepared as necessary to indicate changes to the construction schedule or other processes. The LOSSAN Rail Corridor Agency will identify a project liaison to be available to respond to questions from the community or other interested groups.

**NV-4 Noise Monitoring Program.** Prior to construction (any ground-disturbing activities), the LOSSAN Rail Corridor Agency shall prepare a noise monitoring program. The noise-monitoring program will describe how during construction the contractor will monitor construction noise daily during daytime limits. If complaints are received, complaints will be resolved via construction noise monitoring which would identify the noise source, and the implementation of noise reduction measures to meet FTA criteria, where applicable.

The noise monitoring program will also describe how during operation, the LOSSAN Rail Corridor Agency or its acoustic consultant (to be retained by the LOSSAN Rail Corridor Agency) will periodically (quarterly) monitor noise levels from operation of the facility to ensure levels are similar to those disclosed in this EIR and *Central Coast Layover Facility Project Noise and Vibration Technical Report* (Appendix J of this EIR). If construction noise levels exceed the FTA Daytime Guideline of 80 dBA Leq and/or operational noise levels exceed the levels disclosed in this EIR (EIR Phase 1 Operational Noise Impacts and EIR Later Phases Operational Noise Impacts; and corresponding Appendix J Table 8-2 Phase 1 Operational Noise Impacts and Table 8-4 Later Phases Operational Noise Impacts as identified in the *Central Coast Layover Facility Project Noise and Vibration Technical Report* (Appendix J of this EIR), the LOSSAN Rail Corridor Agency, in consultation with the acoustic consultant, will identify and implement noise reduction measures to meet disclosed noise levels. Potential noise reduction measures (if required) will be based on



the noise source that is causing an identified exceedance, and would include, but not be limited to, reviewing train idling times and decreasing idling times should it be determined there are exceedances, conduct monitoring to identify refined locations for parking trains to provide shielding to the surrounding community.

**Rationale** Mitigation Measure NV-1 requires the construction contractor to implement noise-reducing measures during construction (siting construction equipment as far away from sensitive receptors, combining noise operations in the same time period, and using specially quieted equipment). Mitigation Measure NV-2 requires the LOSSAN Rail Corridor Agency and/or the construction contractor to prepare and maintain a community notification plan to proactively address community concerns related to construction noise. Components of the plan will include initial information packets prepared and mailed to all residences within a 500-foot radius of project construction. The LOSSAN Rail Corridor Agency will identify a project liaison to be available to respond to questions from the community or other interested groups. With implementation of Mitigation Measures NV-1 and NV-2, construction noise levels would be maintained below the FTA guideline and potential impacts from construction-related noise would be reduced to a level less than significant. In addition, Mitigation Measure NV-4 requires the LOSSAN Rail Corridor Agency to prepare a noise monitoring program, which will describe how during construction the contractor will monitor construction noise daily during daytime limits. If complaints are received, complaints will be resolved via construction noise monitoring which would identify the noise source, and the implementation of noise reduction measures to meet FTA criteria, where applicable. By implementing the noise reduction measures and compliance monitoring, this impact would be reduced to a level less than significant.

### 5.7.2 Impact 3.12-1: Generation of Ambient Noise Levels in Excess of Established Standards (Operation)

**Impact** Under the Phase 1 condition, the project would introduce new sources of noise where there presently are none, specifically train movements on two tracks and idling locomotives. The project would result in moderate impacts at 40 Category 2 land uses (residences). The moderate impacts are considered significant.

Under the Later Phases condition, the project would introduce new sources of noise where there presently are none, specifically train movements, idling locomotives, the train wash and wheel truing facility. The project would result in moderate impacts at 55 Category 2 land uses (residences). The moderate impacts are considered significant.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

## Mitigation Measures

**NV-3 Operational Restrictions.** The LOSSAN Rail Corridor Agency is committed to developing the facility operational plan with the following:

### Phase 1:

- **Arriving Trains.** Connect to ground power within 30-minutes of arrival at the facility.
- **Departing Trains.** Disconnect from ground power no sooner than 50-minutes prior to departure.

### Buildout Phase:

- **Arriving Trains:** Connect to ground power for daytime arrivals (7:00 a.m. to 10:00 p.m.) within 30 minutes of arrival.  
Connect to ground power for one nighttime arrival (10:00 p.m. to 7:00 a.m.) within 25 minutes of arrival.
- **Departing Trains:** Disconnect from ground power no sooner than 45 minutes prior to departure.

### Later Phases:

- Connect to ground power within 15-minutes of arrival at the facility to reduce noise from idling locomotives.
- Disconnect from ground power no sooner than 15-minutes prior to reduce noise from idling locomotives.
- Under the later phases of the project, trains will access storage tracks using the following approach:
  - The first train of each day accessing the CCLF would use the easternmost storage track and would not use the train wash. Having the train stored on this track acts as a noise barrier reducing sound levels at sensitive land uses east of the storage facility.
  - The second train of each day accessing the CCLF will use the westernmost storage track (i.e., next to the service and inspection track) and will not use the train wash. Having the train stored on this track acts as a noise barrier reducing sound levels at sensitive land uses west of the storage facility.
  - The third train each day accessing the CCLF will go through the wash and then access the storage tracks between the easternmost and westernmost storage tracks.
  - The fourth train each day accessing the CCLF will go through the wash and then layover on the service and inspection track. In this way it will act as a barrier blocking noise from other train movements and noise sources reducing sound levels at sensitive land uses east of the storage facility.





#### **NV-4 Noise Monitoring Program.**

**Rationale** Mitigation Measure NV-3 requires the LOSSAN Rail Corridor Agency to develop and implement a facility operational plan to minimize operational noise. Under Phase 1, trains would be required to connect to ground power within 30-minutes of arrival at the facility to reduce noise from idling locomotives and disconnect from ground power no sooner than 50-minutes prior to departure to reduce noise from idling locomotives. Under Later Phases, trains would be required to connect to ground power within 30-minutes of arrival at the facility to reduce noise from idling locomotives and disconnect from ground power no sooner than 45-minutes prior to departure reduce noise from idling locomotives. Trains will be required to access storage tracks in a manner in which it will act as a noise barrier reducing sound levels at sensitive land uses. With implementation of Mitigation Measure NV-3, potential impacts from operational-related noise would be reduced to a level less than significant. In addition, Mitigation Measure NV-4 requires the LOSSAN Rail Corridor Agency or its acoustic consultant to periodically (quarterly) monitor noise levels from operation of the facility to ensure levels are similar to those disclosed in the EIR and *Central Coast Layover Facility Project Noise and Vibration Technical Report* (Appendix J of the EIR). If noise levels exceed the levels disclosed in the EIR and *Central Coast Layover Facility Project Noise and Vibration Technical Report* (Appendix J of the EIR), the LOSSAN Rail Corridor Agency, in consultation with the acoustic consultant, will identify and implement noise reduction measures to meet disclosed noise levels. Potential noise reduction measures (if required) will be based on the noise source that is causing an identified exceedance, and would include, but not be limited to, reviewing train idling times and decreasing idling times should it be determined there are exceedances, conduct monitoring to identify refined locations for parking trains to provide shielding to the surrounding community.

## **5.8 Tribal Cultural Resources**

### **5.8.1 Impact 3.14-1: Adverse Change to a Tribal Cultural Resource Eligible for Listing in the California Register of Historic Places or Local Register**

**Impact** The project site is not within a burial sensitivity area according to the city's General Plan Conservation and Open Space Element; however, there is a potential that archaeological materials are encountered during project-related ground disturbing activities.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

#### **Mitigation Measures**

#### **CUL-2 Construction Monitoring and Inadvertent Discovery of Archeological Resources (as described above).**

**Rationale** Mitigation Measure CUL-2 requires a qualified archaeologist and Native American monitor to conduct full-time monitoring for archaeological deposits on the project site during ground-disturbing construction activities occurring within undisturbed Holocene soils (i.e., cultural-bearing soils related to both prehistoric and historic activities). Monitoring will be

conducted in accordance with a Monitoring and Discovery Plan to be prepared for the project by an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards. The Monitoring and Discovery Plan will identify monitoring locations and protocols and include provisions for the accidental discovery of archaeological features or deposits during construction. These provisions will include stop work protocols, notification procedures, and methodology for assessing the nature and significance of the find. If the feature or deposit is determined to be significant, the data recovery and analysis procedures outlined in the Monitoring and Discovery Plan will be implemented. With implementation of Mitigation Measure CUL-2, the potential impact on tribal cultural resources would be reduced to a level less than significant.

### 5.8.2 Impact 3.14-2: Adverse Change to a Tribal Cultural Resource Determined to be Significant Pursuant to Subdivision (c) of Public Resources Code Section 5024.1

**Impact** The project site is not within a burial sensitivity area according to the city's General Plan Conservation and Open Space Element; however, there is a potential that archaeological materials are encountered during project-related ground disturbing activities. The project would require excavation and grading activities which could potentially encounter human remains in the project area and result in a significant impact.

**Finding** (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

#### Mitigation Measures

**CUL-2 Construction Monitoring and Inadvertent Discovery of Archeological Resources (as described above).**

**CUL-3 Inadvertent Discovery of Human Remains (as described above).**

**Rationale** Mitigation Measure CUL-2 requires a qualified archaeologist and Native American monitor to conduct full-time monitoring for archaeological deposits on the project site during ground-disturbing construction activities occurring within undisturbed Holocene soils (i.e., cultural-bearing soils related to both prehistoric and historic activities). Monitoring will be conducted in accordance with a Monitoring and Discovery Plan to be prepared for the project by an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards. The Monitoring and Discovery Plan will identify monitoring locations and protocols and include provisions for the accidental discovery of archaeological features or deposits during construction. These provisions will include stop work protocols, notification procedures, and methodology for assessing the nature and significance of the find. If the feature or deposit is determined to be significant, the data recovery and analysis procedures outlined in the Monitoring and Discovery Plan will be implemented.

Mitigation Measure CUL-3 requires construction be halted immediately if any previously unrecorded human remains are inadvertently discovered during construction. California State law (Health and Safety Code Section 7050.5; PRC Sections 5097.94, 5097.98, and 5097.99) will be followed on state, county, and private land. If the remains are determined



to be Native American, the coroner has 24 hours to notify NAHC, who will determine the most likely descendant. The NAHC will immediately notify the identified most likely descendant, and the most likely descendant has 48 hours to make recommendations to the landowner or representative for the respectful treatment or disposition of the remains and grave goods.

With implementation of Mitigation Measures CUL-2 and CUL-3, the potential impact on tribal cultural resources would be reduced to a level less than significant.

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## 6 Effects Found Not to be Significant

The LOSSAN Rail Corridor Agency finds, based on the substantial evidence appearing in Chapter 6.0 of the Final EIR, that the following impacts on the following resources will not be significant: Agriculture and Forestry Resources, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire. Based on the analysis contained in the Final EIR impacts to Aesthetics (Section 3.2), Energy (Section 3.6), Land Use and Planning (Section 3.11), Transportation (Section 3.13), and Utilities and Service Systems (Section 3.15) were found to be less than significant.

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## 7 Findings Regarding Feasible Alternatives

Pursuant to CEQA Guidelines §15126.6(a), EIRs must “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.”

The EIR considers a reasonable range of alternatives. The alternatives to the project are evaluated in Chapter 7.0 of the EIR in terms of their ability to meet the basic objectives of the project and eliminate or further reduce its significant environmental effects. Based on these parameters, the following alternatives were considered:

- Alternative 1 - No Project/No Development Alternative
- Alternative 2 - Existing Facility Alternative
- Alternative 3 - Islay Hill Site
- Alternative 4 - California State Polytechnic University (Cal Poly) San Luis Obispo (SLO) Site.

### 7.1 Alternative 1 - No Project/No Development Alternative

#### 7.1.1 Description of Alternative

The No Project/No Development Alternative assumes that the project site would not be developed with the proposed project, and the project site would remain in its current condition and current uses. The existing Pacific Surfliner Layover Facility located to the north of the proposed project site would continue to operate in its current capacity.

#### 7.1.2 Finding

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

#### 7.1.3 Rationale

Under the No Project/No Development Alternative, all the impacts associated with implementation of the proposed project would be avoided, including impacts to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, noise and vibration, and tribal cultural resources. However, the No Project/No Development Alternative would not meet the basic objectives of the proposed project.

### 7.2 Alternative 2 – Existing Facility Alternative

#### 7.2.1 Description of Alternative

Alternative 2 - Existing Facility Alternative would involve an expansion of the existing Pacific Surfliner Layover Facility adjacent to the San Luis Obispo Station. This site would encompass the existing facility and expand it to the west to include the current Union Pacific Railroad (UPRR) “Helper Track” adjacent to the two UPRR Main Tracks and siding running through the station. It would also expand

the facility to the south, using land between the UPRR Main Tracks and siding and the pedestrian trail to the east.

## 7.2.2 Finding

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

## 7.2.3 Rationale

Implementation of Alternative 2 would avoid the proposed project's impacts to biological resources and cultural resources. However, this alternative would result in a greater impact to transportation as compared to the proposed project.

Implementation of the Expand Existing Facility alternative would partially meet the project objectives, but due to space limitations, the site is not optimal for fully meeting the project objectives. While railroad stakeholders (i.e., Union Pacific) is supportive of using and expanding the existing site, the site offers moderate optimization potential for facility rail operations because the site is directly across the main tracks from the existing station. Entrance to the facility requires moving north of the station to single-track territory and reversing into the facility. The very long and narrow shape of the site limits operational flexibility. Right of Way is owned by UP and the City. The City currently hosts a bike and pedestrian trail along portions of the site. Mitigation of any impacts to the trail would be required. Also, the site is immediately adjacent to single family homes, with limited space available for visual screening and noise mitigation.

Based on the space needs for the facility, the existing facility site is not large enough to accommodate the Phase 2 components of the proposed project. The overall site size is approximately 5.5 acres, 2.5 acres below the size required in the Space Needs Program for the Phase 2 program.

## 7.3 Alternative 3 – Islay Hill Site

### 7.3.1 Description of Alternative

Alternative 3 - The Islay Hill site is located approximately 3 miles south of the San Luis Obispo Station. The site is on the west side of the UPRR right-of-way, along a single-track segment of the railroad. Development of the project at this location would require the use land on an undeveloped parcel across the tracks from the Islay Hill. This site is located in an unincorporated portion of the County of San Luis Obispo, just south of an existing large single-family residential development.

### 7.3.2 Finding

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

### 7.3.3 Rationale

Implementation of the Islay Hill alternative would result in less impacts related to cultural resources and hazards and hazardous materials. However, this alternative would result in a greater impact to





aesthetics, biological resources, land use and planning, transportation and utilities and service systems.

Implementation of the Islay Hill alternative would partially meet the project objectives. This alternative is not considered optimal as UP has expressed a preference to use an existing connection to the main track as the primary access point to the facility; whereveas, at this location, rail access to this site would require a new connection to the main track in single-track territory. Further, primary access to the site would require a reversing move on the main track in single track territory, not unlike the move required to enter the existing layover facility.

The Islay Hill site is located 3 miles from terminal station, requiring a non-revenue move from the station each evening and another each morning to return to the station to begin revenue service. Also, layout of the site requires that storage tracks be stub-ended, and likely curved. Due to stub-ended tracks, operational flexibility is limited.

## 7.4 Alternative 4 - Cal Poly SLO Site

### 7.4.1 Description of Alternative

Alternative 4 - The California State Polytechnic University (Cal Poly) San Luis Obispo (SLO) alternative location site is located approximately 2.5 miles north of the San Luis Obispo Station. The site is on the west side of the UPRR right-of-way along a single-track segment of the railroad. The site is located on agricultural land in an unincorporated portion of the County of San Luis Obispo, adjacent to the main Cal Poly SLO campus and is owned by the California State University system.

### 7.4.2 Finding

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

### 7.4.3 Rationale

Implementation of the Cal Poly SLO alternative would reduce impacts associated with cultural resources, as this site would avoid any potential impacts to the roundhouse and associated features. Additionally, impacts associated with hazards and hazardous materials would be less, as this site is not anticipated to have soil contamination as the majority of the site is outside of the railroad right of way and has historically been undeveloped. However, this alternative would result in greater impacts to aesthetics, biological resources, land use and planning, and utilities and service systems as compared to the proposed project.

The Cal Poly SLO alternative would meet most of the basic objectives of the proposed project. However, this alternative would not meet the following project objectives:

- Maintain or improve operational efficiency. Provide reasonably efficient operation to and from the future facility including accessibility by rail and proximity to the terminal station in San Luis Obispo. Ideally, the site would be adjacent to tangent mainline track.
- Minimize or avoid operational impacts to UP. The current layover facility location requires trains to make a reverse move onto the UP mainline in single track territory to enter and exit the facility, preventing other trains from passing through the corridor during the move.

This alternative would result in operational challenges to UP. UP has expressed a preference to use an existing connection to the main track as the primary access point to the facility. Rail access to this site would require a new connection to the main track in single-track territory.

Additionally, the current northerly terminus of LOSSAN service is the existing San Luis Obispo station. Siting the facility at this location would add new passenger rail trains to UP's Coast Subdivision, north of the station. Further, because this site is approximately 3 miles north of the terminal station, a non-revenue move from the station each evening and another each morning to return to the station to begin revenue service would be required, reducing operational efficiency.



## 8 Statement of Overriding Considerations

Pursuant to PRC Section 21081(b) and CEQA Guidelines Section 15093(a) and (b), the LOSSAN Rail Corridor Agency is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the proposed project against its unavoidable environmental risks when determining whether to approve the proposed project.

The LOSSAN Central Coast Layover Facility Final EIR (SCH #2021020444, November 2022) and the CEQA Findings of Fact conclude that the project will result in certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. This Statement of Overriding Considerations is therefore necessary to comply with CEQA, Public Resources Code Section 21081, and CEQA Guidelines, §15093. The significant and unavoidable impacts and the benefits related to the proposed project are described below. The LOSSAN Rail Corridor Agency has carefully weighed these impacts and benefits and finds that the benefits of implementing the proposed project outweigh the significant and unavoidable environmental impacts.

### A. General Findings on Significant and Unavoidable Impacts Associated with the Proposed Project

Based upon the Final EIR, the CEQA Findings of Fact contained herein, and the evidentiary materials supporting these documents, the LOSSAN Rail Corridor Agency finds that implementing the proposed project could result in the following significant and unavoidable impacts to the environment:

#### Cultural Resources

##### Impact 3.5-1: Historical Resources

**Impact** The proposed project has the potential to significantly impact the following historical resources:

- San Luis Obispo Southern Pacific Railroad National Register of Historic Places (NRHP) Historic District
- City of San Luis Obispo Local Railroad Historic District
- Southern Pacific Roundhouse and Rail Yard Site

##### Impact 3.5-2: Archaeological Resources

**Impact** Portions of the Southern Pacific Roundhouse and Rail Yard Site would be impacted by the project. It is also possible that previously undiscovered prehistoric archaeological deposits are present and could be uncovered during deeper ground disturbing activities.

#### Cumulative Impacts

- Even with implementation of Mitigation Measure CUL-1 and avoidance of the roundhouse foundation to the extent feasible, portions of the Roundhouse foundation are unavoidable and the impact to the Southern Pacific Roundhouse and Rail Yard Site would be significant and unavoidable. This is considered a cumulatively considerable impact.

With the approval of the proposed project and the adoption of the CEQA Findings of Fact, the LOSSAN Rail Corridor Agency is committing to implement the mitigation measures identified for the proposed

project to ensure that significant impacts are mitigated to a less-than-significant level to the extent feasible, and that the project's contribution to cumulative impacts is minimized and mitigated to the extent feasible. The LOSSAN Rail Corridor Agency finds that the mitigation measures adopted with the Findings are the appropriate measures to approve at this time because they apply to the proposed project.

The LOSSAN Rail Corridor Agency further finds that while the mitigation measures it adopts will substantially lessen or avoid many of the significant environmental impacts discussed in the Final EIR and mitigation adopted to address one area may result in beneficial effects in other subject areas, the above impacts will not be mitigated to a less-than-significant level and will remain significant and unavoidable.

The LOSSAN Rail Corridor Agency finds that each of the following specific economic, legal, social, technological, environmental and other considerations and benefits of the proposed project outweigh the unavoidable adverse environmental effects of the project, and each one is an overriding consideration independently warranting project approval. The LOSSAN Rail Corridor Agency finds that the significant unavoidable impacts of the project are overridden by each of these individual considerations standing alone. The significant unavoidable environmental effects remaining after adoption of mitigation measures are considered acceptable in light of these significant benefits of the proposed project, as described in this Statement of Overriding Considerations.

## **B. Overriding Considerations for the Proposed Project**

- The proposed project will increase overnight layover and storage capacity at the northern end of the LOSSAN rail corridor, which will directly support the service goals and objectives outlined for the Pacific Surfliner in the 2018 California State Rail Plan (State Rail Plan), the LOSSAN Rail Corridor Agency's Business Plan (Business Plan), and the LOSSAN Rail Corridor Optimization Study addressing current and future needs for capacity.
- By facilitating implementation of the 2018 Rail Plan, which presents a plan for an integrated system that will allow passengers to easily and efficiently transfer from local transit services to regional, intercity and future high-speed rail, the proposed project will help California achieve its ambitious GHG emission reduction targets, boost the state economy, and potentially eliminate 250 fatalities and 19,000 transportation related injuries per year by 2040.
- The proposed project will support service goals and improvements for the Central Coast region as defined by the 2018 California State Rail Plan for the short-term, mid-term and long-term horizons.
- The proposed project will facilitate the maintenance of equipment to support planned service growth at the northern terminus of the LOSSAN rail corridor which will facilitate and support the maintenance, service and local overnight storage (in San Luis Obispo, in proximity to the existing passenger rail depot), allowing for additional, more convenient, departure times from the existing San Luis Obispo passenger rail depot.
- The proposed project will improve the safety and reliability of the Pacific Surfliner and the overall statewide passenger rail network by providing a new passenger train maintenance facility in San Luis Obispo with additional capacity for servicing.
- The proposed project will result in the generation of approximately 100-150 jobs during the construction phase, accounting for each phase of the project, and approximately 65-full time equivalent permanent jobs at operational buildout of the project.



- Implementation of the proposed project will promote walking, biking and use of public transit and help to reduce dependency on motor vehicles, by providing the capacity to operate additional passenger rail service at more convenient times and frequencies and through designing and constructing a bike and pedestrian trail with each phase of development.
- Implementation of the proposed project will increase railroad safety in the area with the construction of new perimeter fencing for site security and public safety, where current illegal crossings of the rail corridor occur.
- Implementation of the proposed project will include design and construction of a segment of the planned Class I bike trail that meanders through the landscape buffer and will provide a largely protected bike and pedestrian trail access from the Old Town Historic District through the Railroad Historic District.
- Implementation of the proposed project will preserve existing visible features of the historic roundhouse and facilitate public viewing and education of these features by installing a transparent perimeter fence, bench seating, and interpretive signage, creating an informational node along the proposed bike trail.

### **C. Conclusion**

The proposed project would result in certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives, as identified above, and as disclosed in the Final EIR. The LOSSAN Rail Corridor Agency finds, however, that the above benefits of the proposed project, outweigh the unavoidable adverse environmental effects. This finding is based on the LOSSAN Rail Corridor Agency's careful consideration of and balancing of the unavoidable adverse environmental effects against the proposed project's substantial environmental benefits, which render the unavoidable adverse environmental efforts acceptable.

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