CITY OF SAN LUIS OBISPO

INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM

For EID-0481-2022

1. Project Title:

San Luis Obispo Creek Bank Repair Project

2. Lead Agency Name and Address:

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

3. Contact Person and Phone Number:

Wyatt Banker-Hix, Engineer III
805-783-7859

4. Project Location:

The Project Site is located near the intersection of Johnson Avenue and Pismo Street in the City of San Luis Obispo (City), San Luis Obispo County (County), California (Figure 1). The Project Site is located within Township 30S, Range 12E, Section 26, Mount Diablo Meridian.

The Project Site includes an approximately 180-linear foot stretch of San Luis Obispo Creek downstream from the Johnson Avenue Bridge. The site also includes the adjacent creek banks, portions of Johnson Avenue and Pismo Street, and a staging and laydown area along the northwest side of Pismo Street (Figure 2). The approximately 0.35-acre Project Site includes portions of Assessor's Parcel Numbers (APNs) 002-341-007 and 002-341-016. The approximate center of the Project Site is located at latitude 35.281432°N and longitude 120.654748°W (WGS-84 datum). Photos of the Project Site are provided in Figure 3 and Figure 4.

5. Project Sponsor's Name and Address:

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

Cannon Corporation
Contact: John W. Evans, P.E.
1050 Southwood Drive
San Luis Obispo, California 93401

6. General Plan Designations:

Medium Density Residential (12 dwelling units/acre); Office

7. Zoning:

Medium Density Residential (R-2) and Office (O); Public Right-of-Way

8. Description of the Project:

The Project would repair drainage control infrastructure along the banks of an approximately 180-linear foot stretch of San Luis Obispo Creek. A segment of existing concrete slope protection (pre-1957) on the southwest bank of San Luis Obispo Creek downstream of Johnson Avenue has failed and requires repair. In addition, vegetation growth and sediment accumulation along the inner radius of the channel bend has shifted the lowest point of the channel to the toe-of-slope along the damaged embankment, removing portions of the slope protection footing and creating additional exposure to the native soil underneath. As of 2021 the City has identified that additional failures of the underlying soils and subsequent concrete slope protection would jeopardize adjacent infrastructure (i.e., Pismo Street and the buried utilities underneath), downstream slope protection, trees and landscaping, and adjacent private property. The Project work plan is provided in Figure 5.

The existing concrete slope protection system downstream of the Johnson Avenue Bridge has been in place for over 75 years and has reached the end of its useful service life. Between 2017 and 2021 the amount of damaged area increased substantially and nearly the entire length of the concrete footing, which was designed as part of the slope protection, has been undermined and/or washed away. As of 2021 the existing San Luis Obispo Creek channel contours continue to move towards the toe-of-slope and erode additional material.

In September 2022 the City identified the need for emergency infrastructure measures along the banks of the Creek channel to prevent potential loss to adjacent infrastructure (i.e., Pismo Street and the buried utilities underneath), downstream slope protection, trees and landscaping, and adjacent private property during the 2022-2023 winter rain season. The emergency measures taken included removal and trimming of vegetation along the banks and repaired drainage control infrastructure along the left or south bank of San Luis Obispo Creek. Emergency measures also included filling the existing hole with riprap to mitigate the potential of further erosion and armoring the toe of the slope leading to the hole with riprap.

During the rain events in December 2022 and January 2023 the emergency infrastructure measures and existing drainage control infrastructure were further damaged resulting in minor revisions to the Description of the Project that was included in the public review Draft IS-MND circulated between November 28, 2022 and December 28, 2022. Photos of the Project Site following the rain events in December 2022 and January 2023 are provided in Figure 4. Revisions to the Description of the Project that was included in the public review Draft IS-MND are shown immediately below in strikethrough for deletions and underline for additions, and do not result in any changes to the findings of the environmental analysis in the Evaluation of Environmental Impacts section or resulting project mitigation in the Requirement Mitigation and Monitoring Programs section of this Initial Study-Mitigated Negative Declaration.

The Project would include the following elements:

- staged construction to remove the deteriorated concrete footing and construct a new concrete footing and soil nail wall;
- removal of the remaining portions of the deteriorating concrete slab bank and installation of the soil nail wall in its place, with soil nails installed with 4 to 6-foot on-center spacing each way, to limit the disturbance of the existing slope and to minimize the amount of work in the creek channel;
- installation of a drainage system behind the soil nail wall to intercept groundwater flowing out of the embankment;
- installation of a 25-foot long 18-to 24-inch wide concrete shade shelf adjacent to the lower pool in front of the rock-filled hole in the deteriorating concrete slab bank;
- vegetation thinning and sediment removal as necessary;

- excavation on the westerly side of the creek to remove sediment buildup and expand creek capacity and resiliency (approximately 120 cubic yards);
- addition of 6-inch high concrete weirs connected to underlying bedrock to limit bank incision, encourage ponding, and enhance fish habitat;
- trimming the lower limbs of one alder tree, and cutting four willow trees and one sycamore tree to approximately 1 foot above existing grade, to reduce potential for future creek blockage due to fallen tree debris;[1] and
- revegetation with the use of native riparian trees and shrubs, a native hydroseed mix, and jute or coconut fiber erosion control blankets, as per the Habitat Mitigation and Monitoring Plan (HMMP) that will be prepared and implemented for the Project.

The first construction stage would require the work area at the base of the existing wall to be de-watered by diverting existing creek flows and dewatering the area until it is dry. Dewatering and creek diversion plans are described in more detail below.

The second construction stage would require the excavation of the loose soils and deteriorated concrete at the base of the existing concrete apron down to bedrock (approximately 2 to 3 feet) so a replacement footing can be added. This work would be staggered from section to section to help support uphill soil and existing concrete slope protection from sliding further down the slope.

The third stage would involve the drilling of soil nails, and the installation of prefabricated drainage materials, reinforcing steel, and shotcrete. It is likely that the soil nails would be drilled with equipment staged from above on Pismo Street and would require the pruning of several of the large trees located between the upper retaining wall along Pismo Street and the top of the slope protection (no tree removals).

The fourth stage would be to install the concrete weir structures similar to the existing weir located at the downstream end of the Project Site. The weirs would be embedded 1 to 2 feet into the underlying bedrock. Weirs would be short enough (approximately 6 inches high) to allow fish passage while also increasing ponding and enhancing fish habitat. It is anticipated that vibratory and/or impact hammers would be utilized during construction for 4 to 5 days.

The final stage would include the vegetation trimming and cutting, excavation of the secondary channel, and re-vegetation. Creek shading would be temporarily reduced with the cutting of some trees. Re-vegetation and restoration of the Project Site would replace any removed creek shading with new tree canopies that use native species that are relatively fast growing.

Timing

The Project would be constructed as a single project within an approximately five-month period. The current expected construction duration requiring the creek flow diversion is 60 calendar days. Standard resource agency permit requirements typically restrict work during the rainy season; therefore, construction is proposed to occur between June 1 and October 15 within the creek banks unless a modified timeline is approved by the resource agencies. Work outside of the creek banks may start earlier or finish later than the permit-restricted periods. Restoration monitoring would occur for approximately 3 to 5 years after construction, depending upon revegetation success and permit requirements.

[1] Five oak trees that were present when the baseline for the environmental process was established have been removed from the Project area during winter 2022 under an emergency permit. This analysis anticipates the tree removal will require 1:1 replacement for the removed trees. However, the removal of the five oak trees and associated replacement requirements is part of a separate environmental regulatory process pursuant to the requirements of the emergency permit.

Access

Access to the Project Site would be via Johnson Avenue and Pismo Street. Equipment, construction materials, and excavated materials would be raised and lowered into the San Luis Obispo Creek channel from the Johnson Avenue Bridge. Construction methods throughout all stages would prioritize options that keep large equipment out of the creek corridor and equipment would be operated from the Johnson Avenue Bridge and Pismo Street to the greatest extent feasible. Areas that cannot be reached by equipment operated from the existing bridge and adjacent streets would need to be excavated using smaller equipment, such as bobcats and mini-excavators, which would be lowered into the creek channel from the Johnson Avenue Bridge.

Dewatering and Flow Diversion

San Luis Obispo Creek is mostly a perennial creek. Therefore, it is anticipated that dewatering would be necessary for project construction. As previously mentioned, the first construction stage would require the work area at the base of the existing wall to be dewatered by diverting existing creek flows and dewatering the area until it is dry. If/when dewatering becomes necessary, the following provides a description of the type of activities required. A double check dam diversion with a by-pass gravity pipeline and backup pumping system would be utilized. One 24-inch diameter diversion pipe, 210 feet long, would extend from the upper check dam (inlet) to the lower check dam (outlet). The pipe would be placed on the northwesterly side of the creek channel. The upper check dams would extend the entire width of the channel from wall to wall under the Johnson Avenue Bridge. An additional temporary check dam would be added just downstream of the limits of flood bench excavation within the creek channel. There would also be a sump pump placed between the two upper check dams and connected to 200 feet of 4-inch diameter pressure pipe, which would outlet just downstream of the lower check dam. The current expected construction duration requiring the creek flow diversion is 60 calendar days.

The final dewatering and flow diversion plan providing more detail would be prepared subsequently during the permitting process and will be submitted to the National Marine Fisheries Service (NMFS) and the other regulatory agencies at least 15 days prior to the start of construction.

Equipment

Equipment, construction materials, and excavated materials would be raised and lowered from the Johnson Avenue Bridge. It is anticipated the Project would utilize the following construction equipment:

- two small rubber wheeled or rubber tracked skid steers (e.g., Bobcat, Caterpillar) for flood bench excavation within the creek channel;
- a backhoe loader (wheeled) or small excavator (tracked) with jackhammer and bucket/ grabber attachments for removal of the existing concrete footing;
- a backhoe loader (wheeled or tracked) for shuttling/transferring construction materials;
- a small drill rig (tracked) with a side boom drill for installing the soil nail wall (to be used if all drilling cannot be reached with an extended arm drill rig from Pismo Street);
- a platform attachment for a backhoe loader to be used as a man-lift for shotcrete placement and core drilling of existing slab revetment; and
- a hand operated rock drill (for anchoring into bedrock) with a compressor staged on Pismo Street for installation of new concrete weirs.

Staging

A construction staging and laydown area is planned for the northwest side of Pismo Street, from Johnson Avenue to approximately 200 feet southwest of the Johnson Avenue intersection (depicted in Figure 2).

Soil Export

Approximately 120 cubic yards of material may need to be exported during construction, as part of the excavation of sediment buildup in the creek channel. Any exported soil would be lifted from the creek channel up to the Johnson Avenue Bridge and subsequently hauled to a location that can legally accept the material (e.g., Cold Canyon Landfill).

9. Project Entitlements:

The project would require City-issued permits for grading and construction.

10. Surrounding Land Uses and Settings:

The Project Site is immediately surrounded by residences to the southwest, and residential and commercial uses to the northwest. Single family residences are to the north, south, and east, across the intersections of Johnson Avenue and Pismo Street.

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

Native American Tribes were notified about the project consistent with City and State regulations including, but not limited to, Assembly Bill 52.

During the request for consultation window, one response was received from the Salinan Tribe of Monterey and San Luis Obispo County on August 26th, 2022 requesting a consultation meeting to discuss concerns of undiscovered cultural resources in the project area. The City consulted with the Tribe regarding construction management practices and monitoring of disturbed soils during project construction. On December 2nd, 2022 the Tribe informed the City that they are in agreement with the mitigation measures laid out in the public review Draft IS-MND for unanticipated discoveries, and confirmed that no tribal monitoring is necessary during construction activities. The Tribe requested to be kept informed as the project moves forward.

Pursuant to PRC §21080.3.1 (b) the request for consultation window closed on September 30th, 2022. No other tribal agencies responded to the consultation request.

12. Other public agencies whose approval is required:

Regulatory compliance for work within San Luis Obispo Creek is expected to require permit/authorizations from the following agencies.

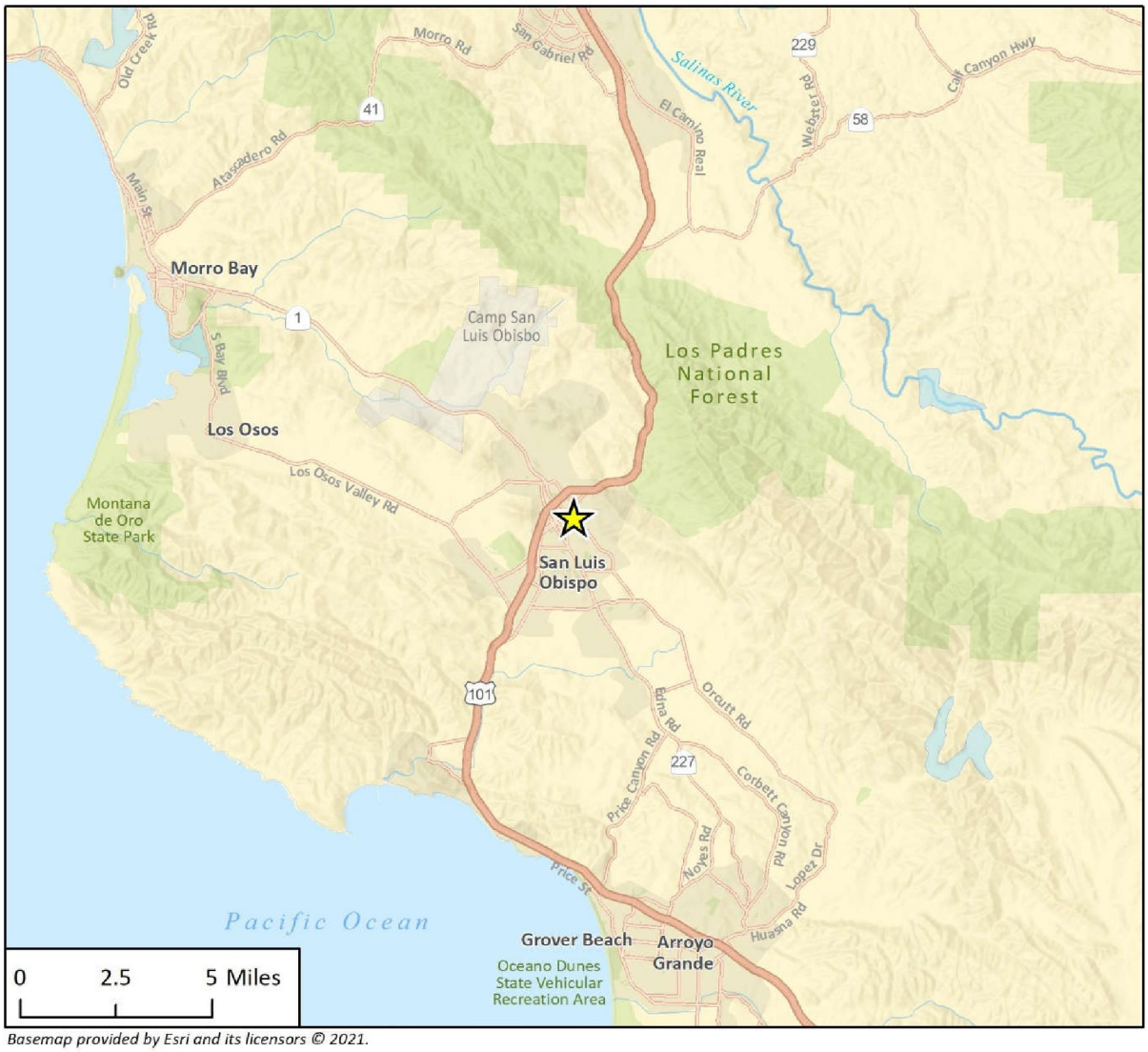
- U.S. Army Corps of Engineers Clean Water Act Section 404 permit for fill in waters of the U.S.
- Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification for fill in waters of the U.S., diversion of San Luis Obispo Creek, and dewatering discharge for the lift station and open trench construction in San Luis Obispo Creek.
- California Department of Fish and Wildlife Streambed Alteration 1600 Agreement for excavation, fill, and removal of riparian vegetation.
- U.S. Fish and Wildlife Service Endangered Species Act take authorization (Biological Opinion) for potential impacts on the California red-legged frog.
- National Marine Fisheries Service Endangered Species Act take authorization (Biological Opinion) for potential impacts on central California coast steelhead.

13. Environmental review process:

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft IS-MND. The Draft IS-MND was circulated for a 30-day public review period that began on November 28, 2022 and ended on December 28, 2022. The Notice of Availability and Intent to Adopt a Mitigated Negative Declaration was posted in a local newspaper and sent to federal, State, and local agencies, as well as interested parties. The Draft IS-MND was posted electronically on the City's website, and a paper copy was available for public review at the City of San Luis Obispo Community Development Department.

Outside of comments received from Native American Tribal representatives during the AB 52 consultation window described in Section 11 above, the City did not receive any comment letters on the Draft IS-MND during the public review period.

Figure 1 Regional Location



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Project Location

N

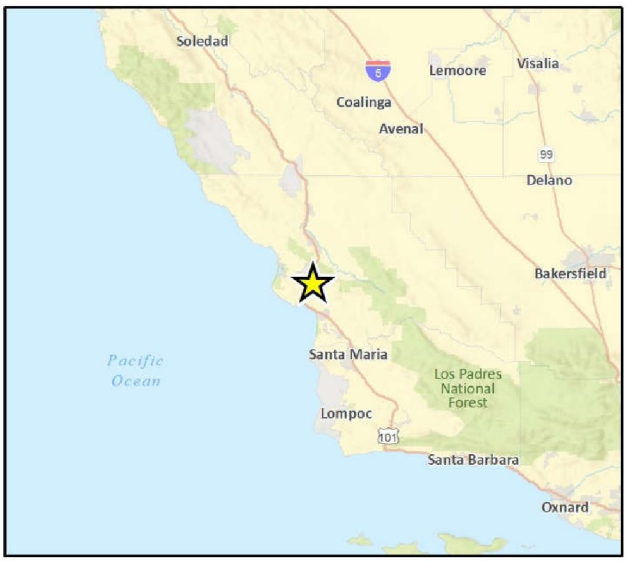


Figure 2 Project Location

Imagery provided by Microsoft Bing and its licensors © 2022.

Fig 2 Project Area and Study Area

Figure 3 Site Photos

Photograph 1. View of the south bank of San Luis Obispo Creek where the concrete infrastructure has been undercut and eroded by water flow (facing south, May 3, 2022).

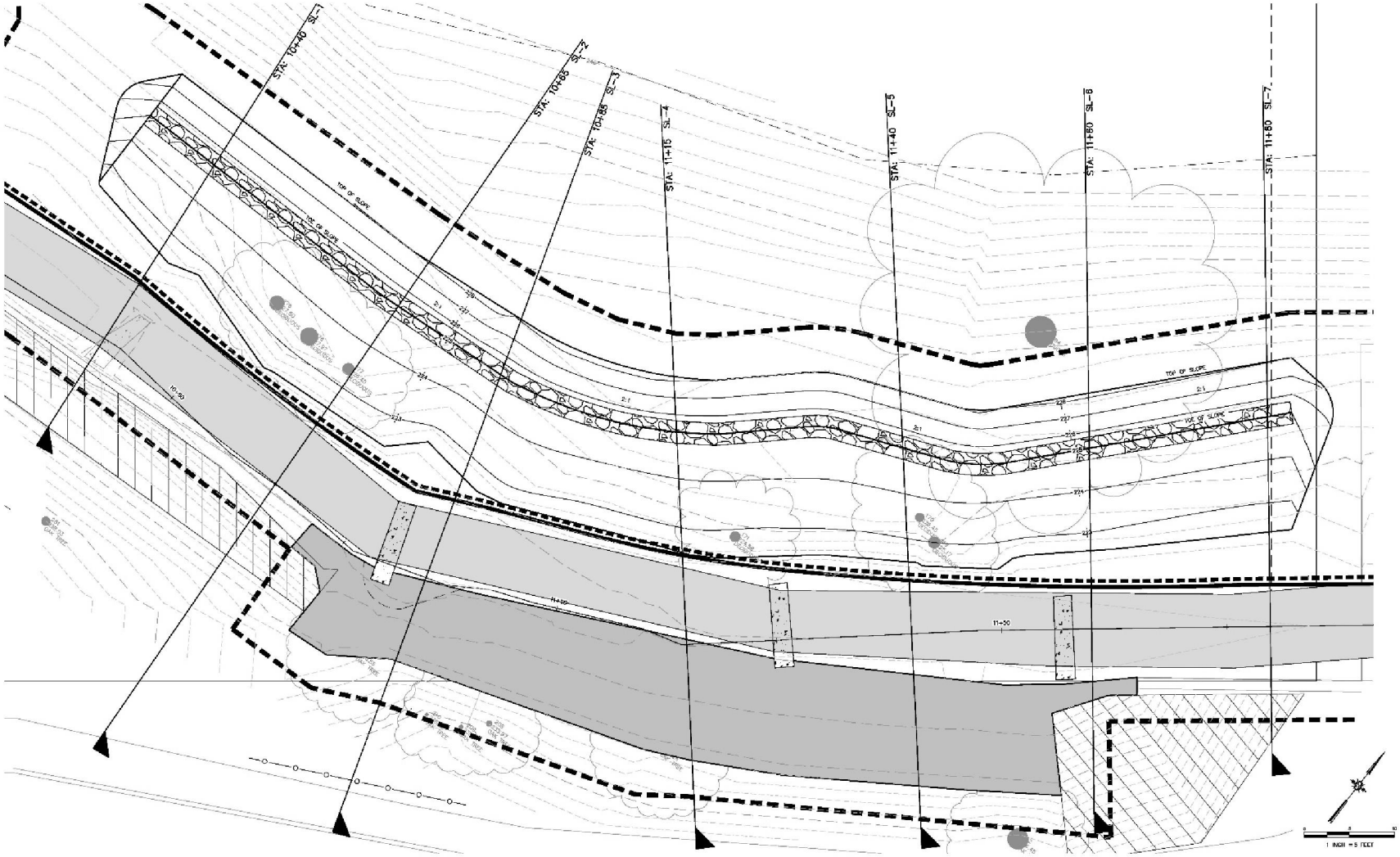
Photograph 2. The natural bottom culvert underneath Johnson Avenue (facing northeast, May 3, 2022).

Figure 4 Site Photos

Photograph 3. View of the south bank of San Luis Obispo Creek where the concrete infrastructure has been damaged by rain events in December 2022 and January 2023 (facing south, January 26, 2023).

Photograph 4. The natural bottom culvert underneath Johnson Avenue following (facing northeast, January 26, 2023).

Figure 5 Project Work Plan



Project 95% Work Plan as of December 2022. The Work Plans are currently being updated by City staff and Project engineers to reflect removal of the remaining portions of the deteriorating concrete slab bank, installation of a 25-foot long 18-to 24-inch wide concrete shade shelf, and updated tree trimming/removal described in Section 8, Description of the Project.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

☒	Aesthetics	☐	Greenhouse Gas Emissions	☐	Public Services
☐	Agriculture and Forestry Resources	☐	Hazards and Hazardous Materials	☐	Recreation
☐	Air Quality	☒	Hydrology and Water Quality	☐	Transportation
☒	Biological Resources	☐	Land Use and Planning	☒	Tribal Cultural Resources
☒	Cultural Resources	☐	Mineral Resources	☐	Utilities and Service Systems
☐	Energy	☒	Noise	☐	Wildfire
☒	Geology and Soils	☐	Population and Housing	☒	Mandatory Findings of Significance

FISH AND WILDLIFE FEES

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

STATE CLEARINGHOUSE

☒	This environmental document must be submitted to the State Clearinghouse for review by one or more State agencies (e.g. Cal Trans, California Department of Fish and Wildlife, Department of Housing and Community Development). The public review period shall not be less than 30 days (CEQA Guidelines 15073(a)).

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

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

Shawna Scott

Signature

January 30, 2023

Date

Shawna Scott

Printed Name

For: Michael Codron,

Community Development Director

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact' is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 19, "Earlier Analysis," as described in (5) below, may be cross-referenced).

5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063 (c) (3) (D)). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. The explanation of each issue should identify:

d) the significance criteria or threshold, if any, used to evaluate each question; and

e) the mitigation measure identified, if any, to reduce the impact to less than significance

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	25	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, open space, and historic buildings within a local or state scenic highway?	9	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	13, 14	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	14	☐	☒	☐	☐

Evaluation

The Project Site is located at San Luis Obispo Creek, within the Johnson Avenue residential neighborhoods. This area contains smaller lots from the mid-20th century, mature street trees, and occasional long-distance views of nearby hills (City of San Luis Obispo 2014a). The Project Site is surrounded by one-story residential uses, Johnson Avenue and Pismo Street to the east and south, and a commercial shopping center approximately 110 feet northwest. The nearest officially designated State Scenic Highway, State Route 1, is approximately 0.63-mile northwest of the Project Site and there is no line of sight between State Route 1 and the Project Site. United States Route 101 (U.S. 101), an Eligible Scenic Highway approximately 0.57-mile northwest of the Project Site, is also not visible from the Project Site (Caltrans 2018). The City identifies the portion Johnson Avenue that intersects the Project Site as having moderate scenic value (City of San Luis Obispo 2014a).

a) The Project Site is not located in an area with an identified scenic vista. The City designates the intersection of Johnson Avenue and Bishop Street as a scenic vista, approximately 0.68-mile southeast of the Project Site, due to the ability to view the surrounding foothills to the northeast of the scenic vista (City of San Luis Obispo 2014a). The Project Site is not visible from or located within the viewshed of the Johnson Avenue and Bishop Street scenic vista or any other designated scenic vista. Therefore, the Project would not have a substantial adverse effect on a scenic vista, and no impact would occur.

b) Riparian vegetation and surrounding development block views of the Project Site from State Route 1 and U.S. 101, which are Officially Designated and Eligible Scenic Highways, respectively. Although a portion of Johnson Avenue is identified as having moderate scenic value, temporary construction would not have a substantial adverse effect on riparian vegetation along the banks of the San Luis Obispo Creek as viewed from Johnson Avenue. The proposed repairs to drainage control infrastructure along the banks of San Luis Obispo Creek would reduce the likelihood of structural failure which could damage existing trees along the banks of the creek that serve as scenic resources. Construction would be temporary, lasting approximately five months, and all equipment would be staged at the northwest side of Pismo Street, which would minimize obstruction of trees from Johnson Avenue. The Project would not have a substantial adverse effect on any scenic resources, including, but not limited to, trees, rock outcroppings, open space, and historic buildings within a local or state scenic highway. Therefore, this impact would be less than significant.

c) The Project Site includes a portion of the San Luis Obispo Creek corridor and is surrounded by existing urban development. The Project Site is zoned Office (O) and Medium Density Residential (R-2) (City of San Luis Obispo 2022a). The City of San Luis Obispo Municipal Code (Municipal Code) does not regulate visual character within these zoning designations (City of San Luis Obispo 2022b). In addition, based on the location and nature of the Project, the

Project would not conflict with the City's Conservation and Open Space Element Policy 9.2.1 which prohibits development projects from obstructing views that can be seen from scenic roadways (City of San Luis Obispo 2014b).

Construction of the Project would involve temporary staging on the northwest side of Pismo Street, which is visible from the intersection of Johnson Avenue and Pismo Street. Although temporary staging areas and construction activities within the San Luis Obispo Creek corridor could affect existing visual character, equipment usage, staging, and site access would be temporary. Upon completion, all materials and equipment would be removed from the Project Site.

The Project would not introduce new permanent features that have the potential to substantially degrade the existing visual character or quality of the site, as Project components consist of replacement structures for existing components that have structurally failed. One alder tree within the San Luis Obispo Creek corridor would be pruned, and one sycamore tree and four willow trees would be cut which could degrade existing visual character of the Project Site. In addition, five oak trees that were present when the baseline for the environmental process was established have been removed from the Project area during winter 2022 under an emergency permit. This analysis anticipates the tree removal will require 1:1 replacement for the removed trees pursuant to the requirements of the emergency permit. However, pursuant to Municipal Code Section 12.24.150, the trimming, pruning, and cutting of trees would occur in accordance with all Society of Arboriculture standards, and in no case would more than one-third of the tree canopy be removed (City of San Luis Obispo 2022b). Adherence to Municipal Code regulations would ensure pruning would not substantially alter the aesthetic quality of riparian trees. The Project would not conflict with applicable zoning and other regulations governing scenic quality or substantially degrade existing visual character or quality. Therefore, this impact would be less than significant.

d) Project components would be located within the San Luis Obispo Creek corridor. Pursuant to Municipal Code Section 9.12.050, construction work would generally be limited to daytime hours between 7:00 a.m. and 7:00 p.m. unless discretionary approval for nighttime work is granted by the City's Community Development Department. Daytime work would not require the use of temporary flood lights or other light/glare generating sources during the day (City of San Luis Obispo 2022b). Nighttime work, if necessary, would be carried out in accordance with lighting provisions set forth by the City's Community Development Department. In the event nightwork is necessary, the project shall comply with identified mitigation requiring that any portable lighting shall be shielded and/or directed away from adjacent properties As a result, no substantial temporary sources of light or glare would be introduced to the Project Site or surrounding vicinity during construction. Once construction activities are completed, there would be no long-term sources of light or glare or new materials which have the potential to emit light or glare. The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Therefore, this impact would be less than significant with mitigation.

Mitigation Measures

AES-1 *Nighttime Work Requirements*. In the event nighttime work is necessary during the Project construction phase, any portable lighting shall be shielded and/or directed away from adjacent properties.

Conclusion

No significant impacts to scenic vistas, scenic resources, or scenic highways would occur. With implementation of Mitigation Measure AES-1, the Project would not generate new sources of permanent light or glare.

2. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	3	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	3	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	3	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	3	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	3	☐	☐	☐	☒

Evaluation

The California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program identifies the Project Site as Urban and Built-Up Land, which is defined as land that is occupied by structures with a building density of at least one unit to 1.5 acres (DOC 2018). The Project Site is zoned Office (O) and Medium Density Residential (R-2). The Project Site is not located within or adjacent to active agricultural uses, land zoned for agriculture, or classified forest land (City of San Luis Obispo 2014a).

a;b) The Project Site does not contain land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the DOC (DOC 2018). As such, there is no potential for the Project to convert such lands to non-agricultural uses. The Project Site is not currently zoned for agriculture or held under Williamson Act or any other land conservation contract, nor is it located adjacent to property that is zoned for agriculture or under active agricultural use. The Project would not convert Farmland or conflict with existing zoning for agricultural use or a Williamson Act contract. Therefore, no impact would occur.

c;d) The Project Site does not contain land that is in current timberland production, including any lands designated as forest land or timberland. Therefore, the Project would not conflict with existing zoning for forest land, timberland, or timberland

zoned Timberland Production, or result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

e) The Project Site does not contain any agricultural land, forest land, or timberland. The Project would not result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. No impact would occur.

Mitigation Measures

No mitigation measures are required.

Conclusion

The Project Site does not contain any agricultural land, forest land, or timberland, and no mitigation would be required.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	44	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	42	☐	☒	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	42	☐	☒	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	38	☐	☒	☐	☐

Evaluation

The Project Site is located in the South Central Coast Air Basin (Basin), which covers San Luis Obispo, Santa Barbara, and Ventura counties (California Air Resources Board [CARB] 2014). The San Luis Obispo Air Pollution Control District (SLOAPCD) monitors and regulates the local air quality in San Luis Obispo County and enforces the Air Quality Management Plan (AQMP). SLOAPCD is required to monitor air pollutant levels to ensure that National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) are met and, if they are not met, to develop strategies to meet the standards.

Depending on whether the standards are met or exceeded, the Basin is classified as being in "attainment" or "nonattainment" for air quality. SLOAPCD releases an Annual Air Quality Report that describes NAAQS and CAAQS attainment statuses for the Basin. The Basin is in nonattainment for the federal standards for precursors to ozone (reactive organic gasses (ROG) and nitrous oxide (NO_X), and the State standards for ozone and particulate matter 10 microns or less in diameter (PM_{10}) (SLOAPCD 2022a). The Basin is designated in attainment for all other federal and State standards. The Project Site is located in the northern portion of the Basin, which has moderate variability in temperature, tempered by coastal processes. Air quality in the Basin is influenced by a wide range of emissions sources, such as dense population centers, heavy vehicular traffic, industry, and weather.

Under State law, SLOAPCD is required to prepare a plan for air quality improvement for pollutants for which its jurisdiction is in nonattainment. Because the Basin is currently designated nonattainment for federal and State standards for ozone precursors, and State standards for PM_{10}, SLOAPCD is required to implement strategies that would reduce pollutant levels to recognized acceptable standards. SLOAPCD adopted the Clean Air Plan in 2001 which evaluates long-term emissions and establishes programs to reach acceptable air quality levels (SLOAPCD 2001). SLOAPCD has also adopted the Particulate Matter Report to identify strategies to reduce public exposure to particulate matter, and the Ozone Emergency Episode Plan which provides the basis for taking action when ambient ozone concentrations reach a level that poses a threat to public health in the County (SLOAPCD 2005; SLOAPCD 2020a).

SLOAPCD provides numerical thresholds to analyze the significance of a project's construction and operational emissions impacts on regional air quality. These thresholds, listed in Table 1, are designed such that a project with estimated emissions that do not exceed the thresholds would not have an individually or cumulatively significant impact to the Basin's air quality.

Table 1: SLOAPCD Air Quality Significance Thresholds

Pollutant	Maximum Daily Thresholds Construction (pounds/day)	Operation (pounds/day)
Reactive Organic Gases (ROG) + Nitrous Oxide (NO_x) (combined)	137	25
Diesel Particulate Matter ($DPM_{2.5}$)	7	1.25
Fugitive Particulate Matter (PM_{10})	–	25
Source: SLOAPCD 2022b		

Sensitive receptors typically include residences, schools, healthcare facilities, and other live-in housing facilities such as prisons or dormitories. The closest sensitive receptors to the Project Site are residential properties located approximately 12 feet southwest from the Project Site's eastern boundary and 20 feet north of the Project's northern boundary.

a) A project may be inconsistent with the Clean Air Plan if it would generate population growth exceeding the forecasts used in development of the Clean Air Plan, generate an increase in vehicle trips and miles traveled beyond the rate of population growth, or would not include applicable land use and transportation control measures from the Clean Air Plan to the extent feasible (SLOAPCD 2001). The Project does not include the development of new housing or businesses, and long-term maintenance of the Project would not require new personnel or additional vehicle trips to the Project Site. Furthermore, the Project would be required to comply with applicable measures from the Clean Air Plan, such as only using construction vehicles that are consistent with emissions limits for gasoline and diesel-powered vehicles set by the United States Environmental Protection Agency (U.S. EPA). Therefore, the Project would not conflict with or obstruct implementation of the applicable air quality plan, and this impact would be less than significant.

b) The Project would not generate criteria pollutant emissions associated with long-term operations and maintenance because it would not require new personnel or additional vehicle trips to the Project Site beyond existing conditions, and no Project component would result in the generation of criteria air pollutant emissions. Therefore, no operational air quality impact would occur.

The Project would involve temporary construction activities that would result in short-term criteria pollutant emissions. Project construction would generate temporary emissions associated with fugitive dust and exhaust emissions from heavy vehicles and worker vehicles. SLOAPCD utilizes screening emissions rates for construction operations, based on the volume of soil moved and the area disturbed (SLOAPCD 2012). These values can be used to calculate a project's construction-related air quality impacts. The screening criteria are shown in Table 2 below.

Table 2: SLOAPCD Screening Emissions Rates for Construction

Pollutant	Grams/Cubic Yard of Material Moved	Pounds/Cubic Yard of Material Moved
$DPM_{2.5}$	2.2	0.0049
ROG	9.2	0.0203
NO_x	42.4	0.0935
PM_{10}	0.75 tons/acre/month of construction activity (assuming 22 days of operation per month)	
Source: SLOAPCD 2012		

Project activities would disturb approximately 120 cubic yards of soil. Based on the rates presented in Table 2, disturbance from Project would result in the following criteria pollutant emissions during project construction:

Table 3: Short-Term Criteria Pollutant Emissions

Pollutant	Project Emissions (total)	SLOAPCD Screening Levels	Exceeds Threshold?
ROG + NO_x	14 lbs	137 lbs/day	**No**
DPM	0.6 lbs	7 lbs/day	**No**
PM_{10}	0.3 tons/per acre/per month	–	**No**
ROG and NO_x combined - 120 x 0.1138 = 13.656 total lbs Diesel Particulate Matter – 120 x 0.0049 = 0.588 total lbs PM_{10} – 0.75 tons x 0.35 acres = -.2625 tons/acre/per month Source: SLOAPCD 2012			

The estimated Project construction emissions would not exceed SLOAPCD air quality significance thresholds for ROG, NO_X, DPM, or PM_{10} shown in Table 1.

In addition to the criteria pollutant emissions shown in Table 3, Project activities could generate fugitive dust which has the potential to exceed the SLOAPCD 20 percent opacity limit for fugitive dust. To minimize fugitive dust and associated nuisance impacts, the project would be required to implement SLOAPCD dust and emissions reduction measures in compliance with SLOAPCD Rule 401 and 402, which are described in Mitigation Measure AQ-1. The Project would be required to implement standard SLOAPCD requirements which would minimize temporary construction emissions. Therefore, with Implementation of Mitigation Measure AQ-1 would ensure the Project would adhere to the requirements set forth by SLOAPCD to minimize temporary construction emissions. As a result, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. Therefore, this impact would be less than significant with required mitigation incorporated.

c) The closest sensitive receptors to the Project Site are residential properties located immediately to the north and west. Construction activities such as excavation and vegetation removal would result in temporary construction emissions and fugitive dust that may affect nearby sensitive receptors. As described under criterion (b), the Project would be required to implement Mitigation Measure AQ-1 which describes standard SLOAPCD fugitive dust control measures to enforce Rules 401 and 402, which would reduce sensitive receptor exposure to fugitive dust. The use and idling of construction vehicles could result in temporary criteria pollutant emissions, which would be a potentially significant impact. Mitigation Measure AQ-2 would implement standard SLOAPCD equipment idling restrictions near sensitive receptors pursuant to California Code of Regulations Title 13, Section 2485. Implementation of Mitigation Measure AQ-2 would reduce exposure of sensitive receptors to adverse construction vehicle emissions.

Naturally occurring asbestos (NOA) has been identified by CARB as a toxic air contaminant. Serpentinite and ultramafic rocks are common throughout San Luis Obispo and may contain naturally occurring asbestos (SLOAPCD 2012). Under CARB's Air Toxic Control Measures (ATCM) related to construction and grading, a geologic evaluation is required to determine of NOA is present prior to any grading activities at the Project Site. If NOA is found at the site, requirements outlined in CARB's ATCM would be enforced. Mitigation Measures AQ-3 and AQ-4 would require Project Site disturbance activities in full compliance with applicable federal, State, and local regulations associated with NOA, minimizing the chance of sensitive receptor exposure to NOA.

With implementation of Mitigation Measures AQ-2 through AQ-4, sensitive receptors would not be exposed to substantial pollutant concentrations. This impact would be less than significant with required mitigation incorporated.

d) The Project would not involve operation of any land uses listed by SLOAPCD as facilities and operations that may generate significant odors, such as asphalt batch plants, oil fields, sanitary landfills, or wastewater treatment plants (SLOAPCD 2022b).

Project construction activities would generate temporary odors associated with diesel exhaust emitted by operation of diesel-

powered construction equipment. However, these odors would be localized to the area immediately surrounding the on-site activity and restricted to the duration of equipment use, which would be temporary and infrequent in nature. Since the project is within 1,000 feet of identified sensitive receptors (approximately 12 feet southwest from the Project Site's eastern boundary and 20 feet north of the Project's northern boundary), contractors would be required to comply with the provisions of Mitigation Measure AQ-2, which limits diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes, thereby reducing exposure of people to diesel odors. Consequently, with implementation of Mitigation Measure AQ-2, the Project would not result in other emissions, such as those leading to odors, adversely affecting a substantial number of people. This impact would be less than significant with mitigation incorporated.

Mitigation Measures

AQ-1 *Fugitive Dust Reduction*. Throughout the construction phase of the project, the project proponent/contractor shall implement the following fugitive dust reduction measures to minimize impacts to sensitive receptors. These fugitive dust reduction measures shall be shown on grading plans:

- Reduce the amount of the disturbed area where possible;
- 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;
- All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- 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;
- 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;
- All fugitive dust mitigation measures shall be shown on grading plans;
- 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).
- 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;
- 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;
- 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;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

- 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;
- Take additional measures as needed to ensure dust from the Project Site is not impacting areas outside the project boundary

AQ-2 *Equipment Idling Restrictions.* Throughout the construction phase of the project, the project proponent/contractor shall implement the following idling restrictions to minimize impacts to sensitive receptors. These idling restrictions shall be shown on grading and construction plans:

a. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment
   1. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
   2. Diesel idling while equipment is not in use is not permitted;
   3. Use of alternative-fueled equipment is recommended whenever possible; and
   4. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.

b. Idling Restrictions for On-Road Vehicles. Section 2485 of California Code of Regulations Title 13 limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California- and non-California-based vehicles. In general, the regulation specifies that drivers of said vehicles:
   1. Shall not idle the vehicle's primary diesel engine while vehicle is not in use, except as noted in Subsection (d) of the regulations; and
   2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heated, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than five minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

c. Idling Restrictions for Off-Road Equipment. Off-road diesel equipment shall comply with the no-idling requirement. Signs shall be posted at the construction site to remind off-road equipment operators of the no-idling requirement.

AQ-3 *Naturally Occurring Asbestos Evaluation.* Prior to initiation of ground-disturbing activities, the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for naturally occurring asbestos in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 California Code of Regulations 93105). This geologic evaluation shall be submitted to the City Community Development Department upon completion. If the geologic evaluation determines that the project would not have the potential to disturb asbestos containing materials, the applicant must file an Asbestos ATCM exemption request with the SLOAPCD.

AQ-4 *Minimization of Asbestos-Related Impacts.* If asbestos containing materials are present on-site, proposed earthwork, demolition, and construction activities shall be conducted in full compliance with the various regulatory jurisdictions regarding asbestos containing materials, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 California Code of Regulations 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

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

Conclusion

With implementation of Mitigation Measures AQ-1 through AQ-4, Project impacts to air quality would be reduced to a less-than-significant level.

4. BIOLOGICAL RESOURCES

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	52, 53, 54, 56	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	52, 53, 54,	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	59, 66	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	52, 53, 54, 67	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	65, 66	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	64, 65, 66	☐	☐	☐	☒

Evaluation

Regulatory authority over biological resources is shared by federal, State, and local authorities under a variety of statutes and guidelines. The California Department of Fish and Wildlife (CDFW) is a trustee agency for biological resources throughout the State under CEQA and also has direct jurisdiction under the California Fish and Game Code (CFGC). Under the California and federal Endangered Species Acts (CESA/ESA), the CDFW and the United States Fish and Wildlife Service (USFWS) also have direct regulatory authority over species formally listed as threatened or endangered and species protected by the Migratory Bird Treaty Act (MBTA). The United States Army Corp of Engineers (USACE) asserts jurisdiction under Section 404 of the Clean Water Act (CWA) over stream, lake, and wetland features with a surface connection to navigable waters of the United States. The Regional Water Quality Control Board (RWQCB) also has jurisdiction over waters of the U.S. and waters of the State under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act.

Rincon Consultants, Inc. (Rincon) prepared a Biological Resources Assessment (BRA) in June 2022. The BRA is included as Attachment A. The BRA documents existing site conditions based on literature review and a field reconnaissance survey, and evaluation for the potential presence of special-status biological resources, including plant and wildlife species, plant communities, jurisdictional waters and wetlands, and habitat for nesting birds. The study area for the BRA included a 50-foot buffer surrounding the Project Site, which includes approximately 180-linear-foot reach of the San Luis Obispo Creek downstream from the Johnson Avenue bridge, the adjacent creek banks, portions of Johnson Avenue and Pismo Street, and the staging area along the northwest side of Pismo Street.

a) *Special-Status Plant Species*. Two special-status plant species have a low potential to occur within the Project Site. These species are listed in Table 4 below.

Table 4: Special-status Plant Species with Potential to Occur in the Project Site

Scientific Name	Common Name	Status	Potential to Occur
Arenaria paludicola	marsh sandwort	FE/SE/CRPR 1B.1	Low Potential
Sanicula maritima	adobe sanicle	SR/CRPR/1B.1	Low Potential
FE = Federally Endangered; SE = State Endangered; SR = State Rare; CRPR = California Rare Plant Rank 1B = Rare, Threatened, or Endangered in California and elsewhere .1 = Seriously endangered in California (more than 80 percent of occurrences threatened/high degree and immediacy of threat) Source: Biological Resources Assessment, Rincon Consultants, June 2022 (Attachment A)			

Marginally suitable habitat for the marsh sandwort occurs along the sandy margins of the San Luis Obispo Creek within the Project Site. Marginally suitable habitat for the adobe sanicle occurs along the banks of the San Luis Obispo Creek. Although these special-status plant species have a low potential to occur within the Project Site, if these plants are present at the Project Site during the commencement of Project activities, the Project has the potential to result in direct and indirect impacts to these plant species, by means of the removal of the individual plant itself or removal of suitable habitat for the species. The potential to impact special-status plant species, directly and indirectly, is a potentially significant impact.

Mitigation Measures BIO-1 through BIO-5 require worker environmental awareness training, mandatory Project Site delineation to protect sensitive resources, standard procedures for invasive species management, preconstruction surveys to identify the presence, if any, of special-status plant species within the Project Site, and compensatory mitigation and performance standards if a special-status plant species is identified and cannot be avoided. Implementation of Mitigation Measures BIO-1 through BIO-5 would reduce potential impacts to special-status plant species to a less-than-significant level.

Special-Status Animal Species. Thirteen special-status wildlife species have varying potential to occur within the Project Site. These species are listed in Table 5 below.

Table 5: Special-status Wildlife Species with Potential to Occur within the Project Site

Scientific Name	Common Name	Status	Potential to Occur
Invertebrates			
Danaus plexippus pop.1	Monarch butterfly	FC	High Potential
Fish			
Entosphenus tridentatus	Pacific lamprey	SSC	Present
Oncorhynchus mykiss irideus	South-central California coast DPS steelhead	FT	Present
Amphibians			
Batrachoseps minor	Lesser slender salamander	SSC	Low Potential
Rana draytonii	California red-legged frog	FT/SSC	High Potential
Taricha torosa	Coast range newt	SSC	High Potential
Reptiles			
Actinemys pallida	southwestern pond turtle	SSC	Moderate Potential
Birds			
Accipiter cooperii	Cooper's hawk	WL	High Potential
Elanus leucurus	white-tailed kite	FP	Moderate Potential
Falco columbarius	merlin	WL	Low Potential
Setophaga petechia	yellow warbler	SSC	High Potential
Mammals			
Antrozous pallidus	pallid bat	SSC	Low Potential
Corynorhinus townsendii	Townsend's big-eared bat	SSC	Low Potential
FT = Federally Threatened; FC = Federal Candidate; SE = State Endangered; SSC = CDFW Species of Special Concern; FP = State Fully Protected; WL = CDFW Watch List Source: Biological Resources Assessment, Rincon Consultants, June 2022 (Attachment A)			

Although the pallid bat and Townsend's big-eared bat are special-status wildlife species listed with a potential to occur within the Project Site, these species are not State or federally listed, and have a low potential to occur on site (Attachment A). Nonetheless, Mitigation Measures BIO-1 and BIO-11 require worker environmental awareness training, pre-construction surveys which would include nesting birds and bats, and on-site biological monitoring of construction activities that may impact sensitive biological resources. Implementation of Mitigation Measures BIO-1 and BIO-11 would ensure potential impacts to special-status animal species including pallid bat and Townsend's big-eared bat would be less than significant with mitigation.

Monarch Butterfly

The Project Site does not contain suitable roosting or overwintering habitat for the monarch butterfly. However, a small stand of blue gum eucalyptus trees along the southern bank of San Luis Obispo Creek approximately 50 feet west of the Project Site could provide suitable habitat for monarchs to roost in these trees. As such, monarch butterflies have a high potential to move through the Project Site. If monarch butterflies are present within the Project Site during construction activities, direct impacts could occur including the injury or mortality of individuals. As such, impacts to monarch butterflies would be potentially significant.

Mitigation Measures BIO-1 and BIO-11 require worker environmental awareness training and on-site biological monitoring during Project activities. Based on implementation of these measures, potential impacts would be less than significant with mitigation.

Pacific Lamprey

A 2018 assessment conducted by the USFWS concluded Pacific lamprey were present within the San Luis Obispo Creek. Although no habitat known to contain larvae is present within the Project Site, the confirmed presence of Pacific lamprey within the San Luis Obispo Creek strengthens the possibility individuals could be present within the Project Site during construction activities, which have the potential to directly or indirectly result in injury or mortality to individuals due to equipment use, streambed disturbance, vegetation disturbance, and changes to water quality. In addition, dewatering could result in the temporary loss of aquatic habitat and invertebrate food sources for the Pacific lamprey. As such, impacts to the Pacific lamprey would be potentially significant.

Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-6, BIO-11, and BIO-12 require worker environmental awareness training, Project Site delineation to protect sensitive resources, implementation of best management practices (BMPs) to protect water quality, standard procedures for invasive species management, avoidance and minimization measures for the Pacific lamprey, on-site biological monitoring during Project activities, and implementation of a HMMP. Based on implementation of these measures, potential impacts would be less than significant with mitigation.

South-Central California Coast Steelhead DPS

Critical habitat for South-Central California Coast Steelhead DPS (steelhead) exists within the San Luis Obispo Creek, and deep pools in the creek are known to support steelhead. If steelhead are present within the Project Site during dewatering or construction, activities including equipment use, noise generated by vibratory hammers (i.e., jackhammer), and temporary loss of aquatic habitat and invertebrate food sources could directly impact steelhead. Other potential impacts, such as the disturbance of the streambed, changes to water quality, disturbance of streamside vegetation, and removal of existing cement structures could result in indirect impacts to steelhead. Therefore, impacts to steelhead would be potentially significant.

Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-7, BIO-11, and BIO-12 require worker environmental awareness training, Project Site delineation to protect sensitive resources, implementation of BMPs to protect water quality, procedures for invasive species management, avoidance and minimization measures for steelhead, on-site biological monitoring during Project activities, and implementation of a HMMP. Based on implementation of these measures, potential impacts would be less than significant with mitigation.

California Red-legged Frog

The Project Site falls within federally designated critical habitat for California red-legged frog (Attachment A). The Project Site contains suitable riparian habitat and undercut banks preferred by the species, as well as permanent water resources that can be used for larval development. California red-legged frog is known to occur in San Luis Obispo Creek, including sixteen documented occurrences within five miles noted by CDFW's California Natural Diversity Database (CNDDB) (Attachment A). Therefore, California red-legged frog has a high potential to occur within the Project Site. Construction activities could result in the injury or mortality of individuals, as well as disruption of foraging, migration, or breeding habitat, which is a potentially significant impact.

Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-8, BIO-11, and BIO-12 require worker environmental awareness training, Project Site delineation to protect sensitive resources, implementation of BMPs to protect water quality, procedures for invasive species management, avoidance and minimization measures for the California red-legged frog, on-site biological monitoring during Project activities, and implementation of a HMMP. Based on implementation of these measures, potential impacts would be less than significant with mitigation.

Coast Range Newt and Lesser Slender Salamander

The Project site contains slow-moving water within San Luis Obispo Creek that provides suitable breeding habitat and terrestrial habitat for the coast range newt. There are four occurrences of the species documented in the CNDDB within five miles of the Project Site (Attachment A). As such, the coast range newt has a high potential to occur within the Project Site (Attachment A). The lesser slender salamander has a low potential to be present at the Project Site. However, if present, construction activities such as excavation and vegetation removal could result in direct and indirect impacts to these species from potential injury, mortality, construction-related noise, and general disturbance. Therefore, Project impacts to these species would be potentially significant.

Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-9, BIO-11, and BIO-12 require worker environmental awareness training, Project Site delineation to protect sensitive resources, implementation of BMPs to protect water quality, procedures for invasive species management, avoidance and minimization measures for special-status amphibians and reptiles, on-site biological monitoring during Project activities, and implementation of a HMMP. Based on implementation of these measures, potential impacts would be less than significant with mitigation.

Southwestern Pond Turtle

The Project Site includes suitable southwestern pond turtle habitat along the banks of the creek, limited to open basking sites. The species was not observed during reconnaissance surveys (Attachment A). There are three documented occurrences of the species within a five-mile radius noted in the CNDBB. However, these occurrences were documented approximately 30 years ago within the same area northwest of the Project Site. In addition, multiple occurrences of the species have been documented within a five-mile radius in iNaturalist, a web-based application that allows people to photograph and identify plant and wildlife species, in the past decade. Therefore, moderate potential exists for the southwestern pond turtle to be present within the Project Site (Attachment A). Direct impacts to this species could occur if they are present in the construction area during activities such as excavation and vegetation removal. Project Site disturbance could also result in the disruption of foraging, basking, migration, or breeding habitat. Therefore, impacts to the southwestern pond turtle are potentially significant.

Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-9, BIO-11, and BIO-12 require worker environmental awareness training, Project Site delineation to protect sensitive resources, implementation of BMPs to protect water quality, procedures for invasive species management, avoidance and minimization measures for special-status amphibians and reptiles, on-site biological monitoring during Project activities, and implementation of a HMMP. Based on implementation of these measures, potential impacts would be less than significant with mitigation.

Cooper's Hawk, Yellow Warbler, White-Tailed Kite, and Merlin

Suitable foraging habitat and nesting habitat for Cooper's hawk exists at the Project Site. Multiple occurrences of Cooper's hawk have been documented in and near the Project Site (Attachment A). Suitable nesting habitat for yellow warbler exists

at the Project Site, and there have been multiple occurrences documented of yellow warbler within one mile of the Project Site (Attachment A). White-tailed kite has been documented within one mile of the Project Site, and three occurrences of white-tailed kit have been documented in the CNDDB within five miles of the Project Site. However, suitable foraging habitat for white-tailed kite is not present at the Project Site, but the species has a moderate potential to fly over or roost in trees at the Project Site. There is a low potential for merlin to be present at the Project Site (Attachment A). If any of these species are present at the Project Site, construction activities could result in altered nesting behavior or nest abandonment. The loss of a nest due to construction activities would be in violation of the Migratory Bird Treaty Act and California Fish and Game Code Section 3503, resulting in a potentially significant impact.

Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-10, BIO-11, and BIO-12 require worker environmental awareness training, Project Site delineation to protect sensitive resources, implementation of BMPs to protect water quality, procedures for invasive species management, preconstruction surveys for special-status and other nesting birds, on-site biological monitoring during Project activities, and implementation of a HMMP. Based on implementation of these measures, potential impacts would be less than significant with mitigation.

Other Migratory and Nesting Birds

Migratory birds protected under the Migratory Bird Treaty Act and nesting birds and raptors protected under California Fish and Game Code Section 3503 have the potential to breed and forage throughout the Project Site. Nesting habitat for a variety of bird species exists, including trees (sycamore, alder, coast live oak), willows, other vegetation, human-made structures (i.e., bridges), and the ground surface. As previously stated, if any of these species are present at the Project Site during construction activities could result in altered nesting behavior or nest abandonment. The loss of a nest due to construction activities would be in violation of the Migratory Bird Treaty Act and California Fish and Game Code Section 3503, resulting in a potentially significant impact.

Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-10, BIO-11, and BIO-12 require worker environmental awareness training, Project Site delineation to protect sensitive resources, implementation of BMPs to protect water quality, standard procedures for invasive species management, preconstruction surveys for special-status and other nesting birds, on-site biological monitoring during Project activities, and implementation of a HMMP. Based on implementation of these measures, potential impacts would be less than significant with mitigation.

With implementation of Mitigation Measures BIO-1 through BIO-12, impacts to candidate, sensitive, and special status species would be reduced to a less-than-significant level, through adequate survey procedures to determine presence for these species, workers environmental awareness trainings, and proper procedures for work activities in the Project Site related to buffering and established work limits. With mitigation incorporated, the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Long term effects of the Project would be positive for many of the species included in this analysis. Stabilized banks and stream channel would result in improved migratory conditions for steelhead and Pacific lamprey as well as potential higher quality spawning habitat. Dispersal habitat would be of higher quality for California red-legged frog and other species that utilize riparian corridors. Additionally, stabilized banks would promote a healthy riparian corridor that would provide shade and cover for aquatic species and high quality nesting habitat for nesting birds. Overall, impacts to candidate, sensitive, and special status species would be less than significant with mitigation incorporated.

b) The Mixed Riparian Hardwood Community that occurs within the Project Site is a sensitive natural community (Attachment A). The Project would impact this sensitive natural community through activities including trimming understory vegetation with limbs and/or trunks that are less than four inches in diameter at breast height, cutting one sycamore tree and four willow trees located within the creek channel to one foot above the existing grade, trimming the branches of six coast live oak, and possibly trimming the lower limbs of one alder tree located within the creek channel. In addition, five oak trees that were present when the baseline for the environmental process was established have been removed from the Project area during winter 2022 under an emergency permit. This analysis anticipates the tree removal will require 1:1 replacement for the removed trees pursuant to the requirements of the emergency permit. Any trimming or cutting of riparian vegetation would be regulated by the CDFW Streambed Alteration Agreement obtained for the Project.

As discussed in criterion (a), San Luis Obispo Creek includes critical habitat for steelhead within the Project Site up to the Ordinary High Water Mark (OHWM) (Attachment A). The OHWM is the line on the shore established by the normal fluctuations of water which shows where the presence and action of waters are so common, usual, and ongoing. Temporary impacts to steelhead migration, spawning, rearing, and/or foraging habitat could occur due to Project activities. Critical habitat for the California red-legged frog also occurs within the Project Site. Temporary to California red-legged frog migration, breeding, and foraging habitat could occur due to Project activities. Therefore, the project would result in a potentially significant impact on riparian habitats, including sensitive natural communities regulated by CDFW and USFWS.

Implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO 4, BIO-7, and BIO-8 require worker environmental awareness training, Project Site delineation to protect sensitive resources, implementation of BMPs to protect water quality, and procedures for invasive species management. These mitigation measures would reduce potential impacts on riparian communities. Implementation of an HMMP, as outlined in Mitigation Measure BIO-12, would require compensatory mitigation for temporary or permanent impacts to this sensitive natural community, as well as temporary or permanent impacts to Steelhead and California red-legged frog critical habitat. The Project would repair drainage control infrastructure along the banks of an approximately 180-linear foot stretch of San Luis Obispo Creek. As a result, the Project would result in long-term beneficial impacts to steelhead habitat within the Project Site, as bank stabilization would reduce the risk of future erosion and sedimentation. Adherence to resource agency permit conditions would also ensure that no permanent negative impacts to critical habitat occur.

As a result of regulatory compliance and implementation of required mitigation measures the Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. These impacts would be less than significant with mitigation incorporated.

c) The Project Site is within and adjacent to San Luis Obispo Creek and is subject to the jurisdictions of the USACE, RWQCB, and CDFW. As previously stated, regulatory compliance for work within the San Luis Obispo Creek would require permits and authorizations including a USACE Section 404 permit for fill in waters of the United States, a RWQCB Section 401 Water Quality Certification for fill in waters of the U.S. and diversion of the San Luis Obispo Creek, and a CDFW Streambed Alteration Agreement for excavation activities. Consequently, Project activities, such as excavation and dewatering, would be regulated by the USACE, RWQCB, and CDFW such that substantial hydrological interruption would not occur. A jurisdictional delineation report prepared by Rincon in July 2022 for the Project Site determined that no federal or State wetland waters are present within the Project Site; only non-wetland waters or riverine/streambed habitat occur onsite (Attachment B). Therefore, the Project would have a less than significant impact to State or federally protected wetlands. In addition, implementation of Mitigation Measure BIO-12 would further reduce impacts.

d) There are no large, natural habitat blocks that support native biodiversity (Natural Landscape Blocks) or areas essential for ecological connectivity between them (Essential Connectivity Areas) mapped within the Project Site (Attachment A). The riparian corridor within the Project Site could serve as a local wildlife movement corridor, particularly for disturbance-tolerant species, such as racoons, skunks, and coyotes. The Project Site is small relative to the amount of riparian habitat and open space in the region and Project activities are not expected to substantially interfere with existing terrestrial wildlife movement or with established terrestrial resident or migratory wildlife corridors (Attachment A). Additionally, long term effects will be positive for many of the species included in this analysis. Stabilized banks will result in better migratory and dispersal conditions for species utilizing the healthy and stable riparian corridor.

San Luis Obispo Creek serves as a migration corridor for Pacific lamprey, steelhead, and other fish species. Fish migration may be temporarily disrupted during installation and removal of the creek diversion. Once the diversion is in place, it would allow for the downstream migration of steelhead, lamprey, and other fishes to continue during Project construction. However, upstream migration may be disrupted for the duration of the creek diversion, which would be a potentially significant impact. Long term effects would be positive for the aquatic species included in this analysis. Stabilized banks would result in better migratory conditions for steelhead and Pacific lamprey as well as potential higher quality spawning habitat. Additionally, stabilized banks would promote a healthy riparian corridor which provides shade and cover for aquatic species.

Mitigation Measures BIO-6 and BIO-7 prohibit Project activities from occurring in flowing or standing water (with the exception of creek diversion activities), require biological monitoring, and implement procedures for capture and relocation, among other requirements. Therefore, implementation of Mitigation Measures BIO-6 and BIO-7 would ensure that the

Project would not interfere substantially with the movement of any resident or migratory fish species. This impact would be less than significant with mitigation incorporated.

e) Disturbed portions of the San Luis Obispo Creek would be restored after construction activities cease. The Project would not interfere with the long-term natural function of the Project Site habitat. Rather, the Project would carry out a necessary repair of damaged infrastructure which, if compromised further, could result in failure and subsequent destruction of trees and other biological habitat. The Project would, therefore, be consistent with the City's policies to protect natural communities and avoid habitat disturbance pursuant to the Conservation and Open Space Element of the General Plan (City of San Luis Obispo 2014b; Attachment A). As such, the Project would not conflict with any local polices or ordinances protecting biological resources. This impact would be less than significant.

f) The Project Site is not located in any applicable adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (Attachment A). Therefore, no impact would occur.

Mitigation Measures

BIO-1 *Worker Environmental Awareness Program.* Prior to initiation of construction activities (including staging and mobilization), all personnel associated with Project construction shall attend Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special-status species (e.g., California red-legged frog and steelhead), nesting birds, and other biological resources that have the potential to occur in the Project Site. The specifics of this program shall include identification of special-status species with potential to occur, a description of their regulatory status and habitat requirements, general ecological characteristics of any other sensitive resources, and a review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the Project Site. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees shall sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them. A WEAP training recorded by a qualified biologist specifically for the Project may be utilized if in-person trainings are restricted due to COVID-19 or if the construction schedule makes it infeasible for a biologist to train each new crew member in person. The crew foreman shall be responsible to ensure crew members are aware of project boundaries and adhere to the guidelines and restrictions designed to avoid or minimize effects to California red-legged frog, Steelhead, nesting birds, and other sensitive species and biological resources.

BIO-2 *Project Delineation, Staging Areas, Materials Storage, and Waste Management.* Prior to the start of any Project activities (including any vegetation clearing), sturdy, high-visibility fencing shall be installed to protect jurisdictional areas and sensitive resource areas adjacent to the Project Site. This fencing shall be placed so that unnecessary impacts to adjacent habitat are avoided. No Project activities (including storage of materials) shall occur outside of the "Project Limits". The required fencing shall remain in place during the entire construction period and be maintained as needed by the construction contractor.

Areas of temporary disturbance shall be minimized to the extent practicable. Staging and laydown areas shall be limited to sites that are unvegetated and previously disturbed (e.g., existing paved roads). Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage. Material storage shall be as far from San Luis Obispo Creek as is feasible. Construction materials and spoils shall be protected from stormwater runoff using temporary perimeter sediment barriers such as fiber rolls, sand/gravel bags, and straw bale barriers, as appropriate.

All trash shall be properly contained and regularly disposed of such that it does not leave the Project Site, enter the San Luis Obispo Creek channel, or attract wildlife. Following Project completion, all trash and construction debris shall be removed from the work and laydown areas.

BIO-3 *Best Management Practices to Protect Water Quality.* All vehicles and equipment shall be in good working condition and checked daily for leaks. The construction contractor shall prevent petroleum products, or any other pollutant, from contaminating the soil or entering the San Luis Obispo Creek channel (dry or otherwise). When vehicles or equipment are not in use, mats or drip pans shall be placed below vehicles to contain fluid leaks.

Project activities shall occur between June 1 and October 15, to the maximum extent possible, to avoid working in the creek channel during the rainy season. Work during times of precipitation shall be avoided to the maximum extent possible. The City or their contractor(s) or representative(s) shall utilize Best Management Practices (BMPs), including (but not limited to): berms, burlap-wrapped fiber rolls, jute netting, sand/gravel bags, and straw bale barriers to stabilize work areas and prevent any sediment or pollutants from entering the creek.

To further protect water quality and sensitive habitat areas, no refueling, cleaning, or maintenance of equipment or vehicles shall occur within the creek channel. Spill kits shall be kept on the Project Site and readily available at all times. Should a spill occur in the work area, clean-up shall be conducted immediately, the contaminant(s) removed to the greatest extent feasible, and any contaminated materials disposed of properly. The Project foreman or other designated liaison shall immediately notify the biological monitor and the City following any project spills. Additionally, the off-site tracking of loose construction and landscape materials shall be prevented and/or cleaned up daily, with street sweeping, vacuuming, and/or rumble plates, as appropriate.

BIO-4 *Invasive Species Management.* Prior to construction, Project plans and specifications shall clearly identify methodology for removal and disposal of invasive exotic species found within the Project Site. Invasive vegetation removed within the Project Site shall be properly disposed of at an off-site location. All construction materials (including jute netting, fiber rolls, and straw bales) brought into the Project Site shall be free from invasive plant material. All revegetation efforts (e.g., hydroseeding, planting container stock or cuttings) within the Project Site shall include only native, riparian plant species appropriate for the Project Site. Invasive wildlife species, including bullfrog (*Rana catesbeiana*), and signal and red swamp crayfish (*Pacifasticus leniusculus*; *Procambarus clarkii*), shall be removed from the Project Site by a qualified biologist using methodologies approved by the USFWS, NMFS, and/or CDFW.

BIO-5 *Preconstruction Survey for Special-Status Plant Species.* A preconstruction survey for special-status plant species shall be conducted by a qualified botanist within the Project Site prior to any site disturbance and during the bloom period of marsh sandwort and adobe sanicle. If these, or any other special-status plant species, are observed within the Project Site, the location(s) of individual plants or group(s) of plants shall be clearly flagged by the qualified botanist and avoided during Project construction. If impacts to special-status plant species cannot be avoided, then compensatory mitigation would be required by the regulatory agencies and/or lead CEQA agency (i.e., the City) through the required Habitat Mitigation and Monitoring Plan (Mitigation Measure BIO-12).

BIO-6 *Avoidance and Minimization Measures for Pacific Lamprey.* No project activities shall occur in flowing or standing water within San Luis Obispo Creek, with the exception of the installation and removal of the temporary creek diversion. Capture and relocation surveys for Pacific lamprey shall be conducted by qualified and/or CDFW-approved biologists prior to the commencement of diversion construction, as well as during dewatering of the work areas. A second capture and relocation survey shall be conducted prior to the removal of the diversion. Pacific lamprey (adults, macropthalmia, or ammocoetes) found within the Project Site prior to or during dewatering shall be captured using seine nets or dip nets and relocated to a predetermined relocation site (with appropriate habitat features) within San Luis Obispo Creek. Lamprey shall be placed in aerated 5-gallon buckets and held no more than 20 minutes before relocation. These capture and relocation efforts can be conducted concurrently with the Steelhead capture and relocation efforts described in BIO-7, though lamprey shall be held in separate buckets to avoid predation.

BIO-7 *Steelhead Capture and Relocation:* No Project activities shall occur in flowing or standing water in San Luis Obispo Creek, with the exception of the installation and removal of the temporary creek diversion. Project activities within the San Luis Obispo Creek channel are proposed to occur between June 1 and October 15, outside of the steelhead migration season. If work extends into the migration season, approval must be obtained from the appropriate resource agencies. If approved, at a minimum, additional requirements typically include fish passage around the work area and additional winter water quality and bank stabilization measures. Flow conditions during this time are variable and can range from a summer low flow condition to a dry condition. Project components that require surface water diversion (detailed below) shall also require the capture and relocation of aquatic species, including steelhead, in the reach that will become dewatered. A qualified biologist approved by NMFS to handle steelhead shall be present during all dewatering, as well as all stages of the installation and removal of surface water diversions. To minimize effects to steelhead, the qualified biologist with qualified biological assistants shall conduct steelhead capture and relocation surveys prior to the commencement of diversion construction, as well as during dewatering of the diverted areas and removal of the diversion. Block nets shall be erected upstream and downstream of the Project Site and steelhead shall be removed from

the block-netted area by seine, dipnets, or electrofishing due to substantial obstacles in the creek potentially making netting ineffective and relocated to an approved relocation site within San Luis Obispo Creek that contains suitable habitat that would not be affected by Project activities. Block nets shall remain in place until the diversion is functional, at which time the downstream and upstream block nets shall be removed. Fish shall be placed in aerated 5-gallon buckets and held no more than 20 minutes before relocation. Smaller fish, including steelhead young of the year, shall be placed in separate aerated buckets to avoid predation. Non-native fishes and invertebrates shall be removed from the creek by qualified biologists.

If it is anticipated that surface flow may soon become discontinuous at the diversion site, a block net shall be deployed just upstream of the diversion to block fish from entering the diversion from upstream. No block net shall be deployed downstream to allow fish located within the diversion area to exit downstream. Once surface flows become discontinuous, the qualified biologist with qualified biological assistants shall conduct steelhead capture and relocation surveys within any isolated pools/habitats. Stranded fish shall be relocated to the original approved relocation site.

A surface water diversion plan shall be prepared by the construction contractor and shall include the various structures and measures that would divert creek flow upstream of the Project Site, divert flow around or through the work area, and discharge downstream, while avoiding water quality and special-status species impacts. This plan shall be prepared by a licensed and qualified engineer in consultation with a licensed and qualified biologist. The plan shall include such components as predicted diversion flow rates, pump capacities, pump screen mesh size, material to be used, contingency plans, a removal and restoration plan, as well as design accommodations for special-status species including fish passage requirements. A qualified biologist shall be present during dewatering and during the installation and removal of surface water diversions. A detailed diversion plan shall be submitted to the NMFS, RWQCB, USACE, and CDFW for approval at least 15 days prior to the construction of the diversion.

A relocation site shall be identified by a qualified biologist and a relocation site memo shall first be submitted to the City biologist for review and then be submitted to NMFS for approval at least 15 days prior to the construction of the first diversion. The relocation site shall be in a known perennial location in San Luis Obispo Creek, preferably upstream of the Project Site. The relocation site shall provide adequate depth in the form of scour (>1 foot) with instream cover. Overhead canopy cover shall also be present, if possible. Water temperature within the relocation site shall be well within published steelhead tolerances. Other water quality parameters, including (but not limited to) dissolved oxygen, pH, and turbidity shall also be within steelhead tolerances.

A qualified biological monitor shall be on site full-time during all Project activities that involve creek dewatering and/or the installation or removal of surface water diversions. Once the work area is completely blocked from the creek and dewatered, and if work conditions and/or prolonged Project activities are conducted outside of the active San Luis Obispo Creek channel, the monitor shall be on site for no less than one day per week.

Any worker(s) who inadvertently injure(s) or kill(s) a steelhead (or any other special-status species) or find(s) one dead or injured, shall immediately report the incident to the biological monitor. The monitor or environmental Project manager shall then immediately notify the City. The City will then provide verbal notification, as appropriate, to the USFWS Endangered Species Office in Ventura, California; NMFS in Long Beach, California; and the local CDFW contact, within three working days. The Project proponents shall provide written notification of the incident to the USFWS, NMFS, and CDFW within five working days.

Although this measure was developed based on years of experience capturing and relocation fish including steelhead, this measure may be adjusted to include any additional mitigation elements or modifications to existing mitigation elements included in project permits.

BIO-8 *Avoidance and Minimization Measures for California Red-legged Frog.* A USFWS-approved biologist shall survey the Project Site no more than 48 hours before the onset of work activities. If the biologist finds any life stage of the California red-legged frog and these individuals are likely to be killed or injured by work activities, the biologist shall be allowed sufficient time to relocate them from the Project Site before work begins. The biologist shall relocate the California red-legged frog the shortest distance possible to a predetermined location within San Luis Obispo Creek that contains suitable habitat and that would not be affected by Project activities.

A USFWS-approved biologist shall be present during installation and removal of the creek diversion, and during all vegetation removal and initial ground disturbance. After this time, the USFWS-approved biologist can designate another qualified biologist to monitor on-site compliance with all mitigation measures. Diversion intakes shall be screened with wire mesh not larger than 0.2 inch to prevent any California red-legged frogs not initially detected, and juvenile steelhead from entering the pump system.

To ensure that diseases are not conveyed between sites, the USFWS-approved biologist, shall follow the fieldwork code of practice developed by the Declining Amphibian Populations Task Force at all times.

Project activities shall occur between June 1 and October 15, to the maximum extent feasible, in order to avoid the California red-legged frog breeding season.

BIO-9 *Avoidance and Minimization Measures for Other Special-Status Amphibians and Reptiles.* A preconstruction survey for special-status amphibians and reptiles (e.g., lesser slender salamander, southwestern pond turtle, and coast range newt) shall be conducted within the Project Site by a qualified biologist no more than 48 hours before the onset of work activities. This survey can be conducted concurrently with the preconstruction survey for the California red-legged frog. If any special-status amphibian or reptile species are found in areas where they are likely to be killed or injured by work activities, then a qualified biologist shall be allowed sufficient time to relocate them from the Project Site before work begins. A qualified biologist shall also be on site during any vegetation removal or initial ground disturbing activities. If any special-status species be encountered within the Project Site prior to or during these activities, work shall be halted until the biologist has sufficient time to move any individuals from the site.

BIO-10 *Preconstruction Survey for Special-Status Birds and Other Nesting Birds.* A preconstruction nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to initiation of Project activities. The survey shall be conducted within the Project Site and include a 50-foot buffer for passerines and a 500-foot buffer for raptors. Portions of the buffer areas that may be inaccessible due to private property constraints shall be surveyed from the Project Site and/or public roads using binoculars. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in the region and shall focus on trees, vegetated areas, and other potential nesting within the vicinity of the Project Site. If nests are found, an appropriate avoidance buffer (typically 50 feet for passerine species and 500 feet for raptors) shall be determined and demarcated by the biologist with high visibility material located within or adjacent to the Project Site.

All Project personnel shall be notified as to the existence of the buffer zones and to avoid entering buffer zones during the nesting season. No Project activities shall occur within the buffer until the avian biologist has confirmed that breeding/nesting is complete, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

BIO-11 *Onsite Biological Monitoring.* A qualified biologist shall be onsite during all vegetation removal, initial ground disturbing activities, and/or during any construction activities that may impact sensitive biological resources, such as dewatering and diversion installation or removal. The biologist shall have the authority to temporarily halt or redirect work to avoid impacts to special-status species or other protected biological resources. Once the diversion has been installed and vegetation removal and initial ground-disturbing activities have been completed, the biological monitor shall be onsite for no less than two days per week, for a minimum two-hour period per day. A Biological Monitoring Plan shall be created for the project, which shall include species-specific details regarding preconstruction surveys and on-site monitoring. The Monitoring Plan shall be approved by the City Biologist prior to the initiation of construction activities.

BIO-12 *Habitat Mitigation and Monitoring Plan.* Project impacts to habitat within the San Luis Obispo Creek corridor shall be mitigated through implementation of a Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall be prepared by a qualified biologist/restoration ecologist and approved by each of the regulatory agencies (i.e., the NMFS, USACE, RWQCB, and CDFW) prior to the initiation of construction activities. The HMMP shall include details on the restoration of portions of San Luis Obispo Creek that will be disturbed by the Project, including jurisdictional features, sensitive natural communities (i.e., Mixed Riparian Hardwood), and associated riparian and stream habitats. If any Project impacts to listed plant species be unavoidable, then the HMMP shall also include details on the compensatory

mitigation required for impacts to these species. For impacts to jurisdictional waters and riparian habitat, the HMMP would be required to include the following minimum compensatory mitigation ratios:

- On-site mitigation for permanent impacts to jurisdictional/sensitive areas implemented at a minimum ratio of 2:1; and
- On-site mitigation for temporary impacts to jurisdictional/sensitive areas implemented at a minimum ratio of 1:1.

Final mitigation ratios required by the regulatory agencies during the permitting process may differ but shall be confirmed prior to the initiation of applicable construction activities.

At a minimum, the HMMP shall include the following:

- A description of the jurisdictional waters, sensitive plant communities, riparian and stream habitat, and/or sensitive plant species disturbed by the project, and how the mitigation method (e.g., restoration, invasive species removal, enhancement) will achieve the necessary mitigation goal/s;
- a plant palette and methods of salvaging, propagating, seeding, and/or planting the site to be restored;
- methods of soil preparation;
- type(s) and method(s) of instream habitat enhancement (e.g., installation of downed woody debris);
- a schedule for restoration activities including weed abatement, propagating and planting, soil preparation, erosion control, qualitative and quantitative monitoring, and reporting;
- identification measurable performance standards for each objective to evaluate the success of the compensatory mitigation (at a minimum, 80% absolute cover of vegetation by end of year 3 with less than 10% comprised of non-native vegetation);
- maintenance and monitoring necessary to confirm the mitigation area meets the success criteria; and
- Identification of contingency and adaptive management measures to address unforeseen changes in site conditions or other components of the mitigation project.

Where feasible, mitigation would be required occur on-site and may include hydroseeding with a native riparian seed mix, installing native riparian container stock, and/or removal of invasive plant species (e.g., tree of heaven, elmleaf blackberry). If on-site mitigation is found to be infeasible by the qualified biologist/restoration ecologist, off-site mitigation shall occur within the San Luis Obispo Creek corridor as close to the site as is feasible, based on the professional judgment of the qualified biologist/restoration ecologist.

Conclusion

With implementation of Mitigation Measures BIO-1 through BIO-12, Project impacts to biological resources would be reduced to a less-than-significant level.

5. CULTURAL RESOURCES

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historic resource pursuant to §15064.5?	26	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	26	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	26	☐	☒	☐	☐

Evaluation

This section provides an analysis of the project's impacts on cultural resources, including historical and archaeological resources as well as human remains. CEQA requires a lead agency determine whether a project may have a significant effect on historical resources (Public Resources Code [PRC] Section 21084.1). A historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR); a resource included in a local register of historical resources; or any object, building, structure, site, area, place, record, or manuscript a lead agency determines to be historically significant (CEQA Guidelines Section 15064.5[a][1-3]). A resource shall be considered historically significant if it:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

In addition, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a-b]). PRC Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Rincon prepared a Cultural Resources Assessment Report for the Project Site and staging area in June 2022. Rincon completed background and archival research from sources including, but not limited to, historical maps, aerial photographs, and written histories of the area. On January 12, 2022, Rincon received records search results (Records Search Number: 21-313) from the California Historical Resources Information System (CHRIS) located at the Central Coast Information Center (CCIC) (Attachment C). Rincon also reviewed the National Register of Historic Places (NRHR), CRHR, California Historical Landmarks list, and Built Environment Resources Directory, as well as its predecessor the California State Historic Property Data File. Additionally, Rincon reviewed the Archaeological Determination of Eligibility list. The results of the searches documented no historic resources were previously identified. The bridge at Johnson Avenue over San Luis Obispo Creek is included in the Caltrans historic bridge inventory list. Caltrans designated this bridge as a Category Five bridge, a status which means it is ineligible for listing in the NRHP (Attachment C).

A pedestrian survey of the Project Site and staging area was conducted on January 27, 2022. Exposed ground surfaces were examined for artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools), ecofacts (marine shell and bone), soil discoloration that might indicate the presence of a cultural midden, historic debris (e.g., metal, glass, ceramics), and features indicative of the former presence of structures or buildings (e.g., standing exterior walls, postholes, foundations). Burrows and drainages allowed the visual inspection of subsurface soils. No archaeological resources were observed during the survey (Attachment C).

Rincon contacted the Native American Heritage Commission (NAHC) on December 17, 2021, to request a Sacred Lands File (SLF) search for tribal heritage resources and a contact list of Native Americans culturally affiliated with the project vicinity. SLF searches are conducted by using USGS quadrangle maps, each of which covers an approximately 50- to 70-square-mile area, and the NAHC does not provide the specific location of tribal heritage resources. On March 11, 2022, the NAHC responded to Rincon's request, stating that the results of the SLF search were positive (Attachment C).

a) The Project Site encompasses the Johnson Avenue Bridge. Caltrans has designated this bridge as a Category Five bridge, which making it ineligible for NRHP listing (Attachment C). The Project would not modify the bridge, and Project activities in the immediate vicinity of the bridge would be reconstructed in a manner that is consistent with existing conditions as it is repairing existing, damaged infrastructure. Therefore, the Project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. This impact would be less than significant.

b) No archaeological resources were identified within the Project Site (Attachment C). However, ten recorded archaeological sites are within a 0.5-mile radius of the Project Site. These archaeological sites include one prehistoric site, one historic-period site, and six historic-aged archaeological resources. Due to the presence of prehistoric and historic archaeological resources within the vicinity, the Project Site and staging area are considered sensitive for the presence of archaeological resources. The potential exists for Project construction activities that would disturb native soils to impact previously unidentified archaeological resources, which would be a potentially significant impact. Mitigation Measures CR-1 and CR-2 would implement a worker environmental awareness program and standard procedures for the unanticipated discovery of cultural resources. Implementation of Mitigation Measures CR-1 and CR-2 would minimize potential impacts to previously unidentified archaeological resources, and ensure the Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. Therefore, potential impacts would be less than significant with incorporation of identified mitigation.

c) No human remains are known to be present within the Project Site (Attachment C). However, the Project Site is partially located within a Burial Sensitivity Area as identified by the City (City of San Luis Obispo 2014b). The unanticipated discovery of unknown human remains a possibility during ground-disturbing activities. Pursuant to California Health and Safety Code Section 7050.5, if human remains are found, the County Coroner must be notified immediately, and no further disturbance would occur until the County Coroner has made a determination of origin and disposition pursuant to California Public Resources Code Section 5097.98. If the human remains are determined to be of Native American origin, the County Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD has 48 hours from being granted site access to make recommendations for the disposition of the remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in a location that would not be affected by future ground-disturbing activities. The Project would be required comply with the provisions set forth pursuant to California Health and Safety Code Section 7050.5. Therefore, the potential exists for ground-disturbing activities related to project construction to disturb human remains. California Health and Safety Code Section 7050.5 sets forth adequate procedures related to the potential discovery of human remains. To enforce the procedural requirements of California Health and Safety Code Section 7050.5, Mitigation Measure CR-3 is required. Thus, this impact would be less than significant with incorporation of mitigation.

Mitigation Measures

CR-1 *Worker Environmental Awareness Program.* A qualified archaeologist shall conduct a Worker Environmental Awareness Program training on archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities within the Project Site. The training shall be developed by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology (National Park Service [NPS] 1983). Archaeological sensitivity training shall include a description of the types of cultural materials that may

be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

CR-2 *Unanticipated Discovery of Cultural Resources.* In the event cultural resources are encountered during ground-disturbing activities, work within 50 feet of the find shall halt and a City-qualified archaeologist shall be contacted immediately to evaluate the find, pursuant to *CEQA Guidelines* Section 15064.5(f). If the archaeologist determines further information is needed to evaluate significance, a testing plan shall be prepared and implemented prior to resuming project activities. If the find is determined to be significant by the qualified archaeologist, the qualified archaeologist shall implement a data recovery plan designed to obtain information about the discovery. Recovery of significant cultural resources described in the data recovery plan, if necessary, shall include but not be limited to, manual or mechanical excavations, monitoring, soils testing, photography, mapping, or drawing to adequately recover the scientifically consequential information from and about the archaeological resource. Further treatment may be required, including site recordation, excavation, site evaluation, and data recovery. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archaeologist. The data recovery plan shall be approved by the City prior to the implementation of data recovery activities. Once approved, the qualified archaeologist shall carry out data recovery in conformance with the data recovery plan. All cultural resource work shall follow accepted professional standards in recording any find including submittal of standard Department of Parks and Recreation Primary Record forms (DPR Form 523) and location information to the appropriate California Historical Resources Information System office for the Project Site. If the find is prehistoric, then a native American representative shall also be contacted to participate in the evaluation of the find.

CR-3 *Discovery* of *Human Remains.* If human remains are discovered during construction activities, work shall immediately stop within the immediate vicinity of the area where the remains were discovered. The County coroner shall immediately be notified of the find, and a date and time for the County coroner to evaluate the find shall be determined by the applicant, City, and County coroner. The County coroner shall make a determination of the origin and disposition of the remains. If the County coroner determines the remains are prehistoric, the County coroner shall notify the NAHC which will determine a Most Likely Descendant (MLD). The MLD shall perform site inspection of the site within 48 hours of being granted site access and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. The applicant, City, County coroner, and MLD, if applicable, shall jointly decide on a date, time, and method of removal of remains. Removal shall be carried out prior construction resuming within the vicinity.

Conclusion

With implementation of Mitigation Measures CR-1, CR-2, and CR-3. Project impacts associated with cultural resources would be reduced to a less-than-significant level.

6. ENERGY

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	21, 26	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	21, 26	☐	☐	☒	☐

Evaluation

Energy consumption is directly related to environmental quality in that the consumption of nonrenewable energy resources releases criteria air pollutant and greenhouse gas (GHG) emissions into the atmosphere. Energy use during construction work would be in the form of fuel consumption (e.g., gasoline and diesel fuel) to operate construction equipment. The City's Conservation and Open Space Element and Climate Action Plan contain goals and policies primarily related to reducing operational energy, including introduction of solar power, implementation of energy conservation features in buildings, and implementation of carbon-sequestration measures (City of San Luis Obispo 2014b; City of San Luis Obispo 2020a).

The environmental impacts of air pollutant and GHG emissions associated with the project's energy consumption are discussed in detail in Section 3, *Air Quality,* and Section 8*, Greenhouse Gas Emissions*, respectively.

a;b) The Project would not include new structures that would require long-term energy use beyond the completion of the proposed construction phase. Energy use during construction would last approximately five months, and equipment used would be typical of construction projects within and surrounding the Project Site. In addition, contractors would be required to comply with the provisions of Title 13 California Code of Regulations Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes. Heavy equipment would be subject to the U.S. EPA Construction Equipment Fuel Efficiency Standard, which would also minimize inefficient, wasteful, or unnecessary fuel consumption. The City's energy-related goals and policies within the Conservation and Open Space Element and Climate Action Plan have limited applicability to the Project as they focus primarily on energy conservation in buildings, solar design, achieving carbon-free electricity, and carbon sequestration (City of San Luis Obispo 2014b; City of San Luis Obispo 2020a). However, Project construction activities would comply with federal and State requirements to reduce wasteful energy consumption. Furthermore, in the interest of cost efficiency, construction contractors would not reasonably be expected to utilize fuel in a manner that is wasteful or unnecessary. Therefore, the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a state or local plan for renewable energy. This impact would be less than significant.

Mitigation Measures

No mitigation measures are required.

Conclusion

No significant impacts related to energy would occur. Therefore, no mitigation would be required.

7. GEOLOGY AND SOILS

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	12	☐	☐	☒	☐
ii. Strong seismic ground shaking?	12	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	26	☐	☐	☒	☐
iv. Landslides?	26	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	14	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	25	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 1802.3.2 of the California Building Code (2013), creating substantial direct or indirect risks to life or property?	n/a	☐	☒	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	n/a	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	47	☐	☐	☒	☐

Evaluation

The Project Site is located within the southern Coast Range geomorphic province. The Coast Range province is comprised of sub-parallel northwest-southeast trending faults, folds, and mountain ranges (City of San Luis Obispo 2014a). According to the California Geological Survey (CGS) the Project Site is not located within an Alquist-Priolo Fault Zone. There are no active earthquake faults present on the Project Site, and the closest active fault to the Project Site is the Los Osos Fault Zone, located approximately 2.97 miles southwest (CGS 2021). The Safety Element of the City's General Plan recognizes the Project Site as an area having high liquefaction potential (City of San Luis Obispo 2014b). The Project Site is not within a landslide hazard zone (City of San Luis Obispo 2014a). The Project Site is underlain by Concepcion loam soil with two to five percent slopes (United States Department of Agriculture [USDA] 2022). A Geotechnical Engineering Report prepared by Earth Systems Pacific in December 2021 indicated the Project Site's underlying geology is composed of Franciscan Mélange sandstone (Attachment D).

a.i; a.ii) The Project Site does not partially or fully intersect any Alquist-Priolo Fault Zone (CGS 2021). Project excavation activities would be limited to approximately 120 cubic yards of surface soil excavation, and thus would not create conditions that would exacerbate unstable seismic conditions or stresses in the Earth's crust. Therefore, the Project would not directly or indirectly cause the risk of loss, injury, or death involving rupture of a known earthquake fault. Although the Project Site is located near seismically active areas such as the Los Osos Fault Zone, it would conform with standards of the California Building Code (CBC), which provides earthquake design requirements, including earthquake loading specifications for design and construction to resist effects of earthquake motions in accordance

with the American Society of Engineers Standard 7-05. The Project would be required to comply with CBC standards regulating procedures for soil preparation, including, but not limited to: excavation, grading and earthwork, fills and embankments, expansive soils, foundation investigations, liquefaction potential, and soil strength loss. Through compliance with CBC regulations, the Project would not cause the risk of loss, injury, or death involving strong seismic ground shaking. This impact would be less than significant.

a.iii; aiv) As identified by the City, the Project Site is in an area that exhibits high liquefaction potential, but is not within a landslide hazard zone (City of San Luis Obispo 2014b). The Project Site does not contain steep slope conditions necessary for a landslide to occur. Construction workers could be present at the Project Site during a seismic or liquefaction event. Although there is potential for seismic ground shaking at the Project Site during rupture of a nearby fault, Project construction would not increase the risk of an earthquake occurring and thus would not increase the risk of liquefaction or landslide. Therefore, impacts would be less than significant.

b) The Geotechnical Engineering Report prepared for the Project Site indicates that on-site soils are considered erodible. Construction activities would involve the excavation of approximate 120 cubic years of soil. Construction activities would take place during the dry season and the Project Site would be dewatered during construction activities to remove water from the active work area, which would reduce risk of erosion in the San Luis Obispo Creek. The Project would also be constructed in compliance with the requirements of the Clean Water Act Section 401 Water Quality Certification and Section 404 permit for fill activities associated with the Project. Furthermore, pursuant to Municipal Code Section 12.08.260, construction sites with inadequate erosion and sediment controls installed are subject to a notice of violation and restriction of site work until erosion controls are in place (City of San Luis Obispo 2022b). Additionally, implementation of the Project would minimize the potential for future scour of the south-easterly facing slope embankment. Thus, the Project would not result in substantial soil erosion and the loss of topsoil. This impact would be less than significant.

c) The Project Site is not within a landslide hazard zone but does have high liquefaction potential (City of San Luis Obispo 2014a). The Project would repair drainage control infrastructure along the banks of an approximately 180-linear foot stretch of San Luis Obispo Creek. The replaced drainage control infrastructure would prevent future scour; improve slope protection; and protect the retaining wall. As a result, the Project would lessen the potential for the Project Site to result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. This impact would be less than significant.

d) An expansion index test performed on soils from the Project Site produced an expansion index value of 39 (Attachment D). Pursuant to Section 1803.5.3 of the CBC, the Project Site soils are considered to be expansive with "low" expansion potentials. Expansive soils swell with increases in soils moisture and shrink as soil moisture decreases. As noted in the Geotechnical Engineering Report, the upper three to five feet of soils is the zone most affected by seasonal fluctuations in soil moisture (Attachment D). The volumetric changes that Project Site soils undergo could damage drainage infrastructure improvements, which would be a potentially significant impact.

Mitigation Measure GEO-1 would ensure recommendations made in the Geotechnical Engineering Report, which include, but are not limited to, moisture conditioning, placement of non-expansive fill, retaining wall parameters, and deepening foundations, are implemented in Project design. With implementation of Mitigation Measure GEO-1, the Project's effects from expansive soils would be reduced to a less than significant level.

e) The Project would not include or require the use of septic tanks or alternative wastewater disposal systems. On-site portable restroom facilities would be provided by the construction contractor for workers operating at the site. No impact would occur.

f) Paleontological resources, or fossils, are the evidence of once-living organisms preserved in the rock record. Such resources include both the fossilized remains of ancient plants and animals and the traces of such remains. Paleontological resources are not found in "soil" but are rather found in the geologic deposits or bedrock that underlies the soil layer. Typically, fossils are greater than 5,000 years old (i.e., older than middle Holocene in age) and preserved in sedimentary rocks. Although rare, fossils can also be preserved in volcanic rocks or low-grade metamorphic rocks under certain conditions (Society of Vertebrate Paleontology [SVP] 2010). Fossils often occur in an unpredictable distribution within some sedimentary units.

According to the Geotechnical Engineering Report and mapping by Jennings (1958) the Project Site is underlain by Mesozoic-age Franciscan Mélange with low to moderate fossil-bearing potential (Attachment D; Jennings 1958). Ground disturbance required for the Project would be limited to surficial vehicle travel by construction equipment over the ground surface, excavation of approximately 120 cubic yards of soil, and use of hand tools during construction activities. Ground disturbing activities are not anticipated to reach depths where older, potentially more sensitive sediments could be encountered. Therefore, the Project's potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature would be less than significant.

Mitigation Measures

GEO-1 *Implementation of Geotechnical Design Features.* Prior to the issuance of grading permits, the construction contractor shall retain a qualified geotechnical engineer to incorporate all applicable geotechnical recommendations made in the Project specific Geotechnical Engineering Report for the purpose of reducing impacts related to soil expansion. Such recommendations include, but are not limited to, retaining wall foundation design, deepening foundations, and moisture conditioning soil. Geotechnical recommendations shall be noted on site plans and provided to the City for approval prior to the issuance of grading permits. The qualified geotechnical engineer shall be retained throughout construction to provide observation during grading and backfill, wall construction, and oversight of soil special inspection, as detailed in the Geotechnical Engineering Report. At the completion of construction, the qualified geotechnical engineer shall provide written confirmation to the City that all applicable geotechnical recommendations were followed.

Conclusion

With implementation of Mitigation Measure GEO-1, Project impacts associated with geology and soils would be reduced to a less-than-significant level.

8. GREENHOUSE GAS EMISSIONS

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	21	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	21	☐	☐	☒	☐

Evaluation

In response to climate change, California implemented Assembly Bill (AB) 32, the "California Global Warming Solutions Act of 2006." AB 32 required the reduction of statewide GHG emissions to 1990 emissions levels (essentially a 15 percent reduction below 2005 emission levels) by 2020 and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions. On September 8, 2016, the Governor signed Senate Bill 32 into law, extending AB 32 by requiring the State to further reduce GHG emissions to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program and the Low Carbon Fuel Standard, and implementation of recently adopted policies and legislation, such as Senate Bill 1383 (aimed at reducing short-lived climate pollutants including methane, hydrofluorocarbon gases, and anthropogenic black carbon) and Senate Bill 100. The 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends local governments adopt policies and locally appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) of CO2e by 2030 and two MT of CO2e by 2050 (CARB 2017).

The City adopted a Climate Action Plan which establishes 2030 GHG emissions targets and a communitywide goal of carbon neutrality by 2035 (City of San Luis Obispo 2020a). The City adopted project-specific CEQA GHG emissions thresholds for residential, nonresidential, and mixed-use development. In addition, the City has adopted a GHG Emissions Compliance Checklist which is designed to assist with determining a project's consistency with the Climate Action Plan and other applicable regulations and provide a streamlined review process subject to CEQA (City of San Luis Obispo 2020b).

a; b) Project construction would generate temporary GHG emissions as a result of the operation of construction equipment on site as well as from vehicles transporting construction workers and material deliveries. Pursuant to CEQA Guidelines Section 15183.5, the significance of project emissions is determined by evaluating project consistency with the GHG emission reduction goals and policies of the City's Climate Action Plan. Table 6 summarizes the Project's consistency with the City's Climate Action Plan, evaluated through the GHG Emissions Compliance Checklist measures that are applicable to the proposed Project (City of San Luis Obispo 2020a). As shown therein, the Project would be consistent with the applicable goals and policies of the Climate Action Plan. Therefore, the Project would not generate GHG emissions that would have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gas. This impact would be less than significant.

Table 6: Project Consistency with the Climate Action Plan

Climate Action Plan Measures	Project Consistency
Pillar 4: Connected Community	
6a. Is the estimated Project/Plan-generated Vehicle Miles Traveled (VMT) within the City's adopted thresholds, as confirmed by the City's Transportation Division?	**Consistent.** Trips associated with the Project would be limited during construction activities, not exceeding the City's threshold of significance (110 trips per day). For more information, refer to Section 17, *Transportation*.

	7. Does the Project/Plan demonstrate consistency with the City's Bicycle Transportation Plan?	**Consistent.** The construction contractor would be required to provide adequate width to allow bike lane travel adjacent to Pismo Street or provide clear posting that the bicycle lane is closed, pursuant to the Traffic Control Plan that would be submitted for the Project. Construction would be temporary and would not substantially disrupt bicycle circulation.
	Pillar 6: Natural Solutions	
	9. Does the Project/Plan comply with Municipal Code requirements for trees?	**Consistent.** The cutting of one sycamore tree and four willow trees would occur in compliance with Municipal Code Chapter 12.24. In addition, five oak trees that were present when the baseline for the environmental process was established have been removed from the Project area during winter 2022 under an emergency permit. This analysis anticipates the tree removal will require 1:1 replacement for the removed trees pursuant to the requirements of the emergency permit.
	Source: City of San Luis Obispo 2020a	

Mitigation Measures

No mitigation measures are required.

Conclusion

No significant impacts regarding greenhouse gasses would occur. Therefore, no mitigation would be required.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	n/a	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	n/a	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	n/a	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	8, 48, 51	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	25	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	23	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	6	☐	☐	☒	☐

Evaluation

The following databases were reviewed in July 2022 for known hazardous material contamination at the Project Site:

- The State Water Resource Control Board's (SWRCB) Geotracker database
- The California Department of Toxic Substances Control's (DTSC) EnviroStor database
- The Superfund Enterprise Management System (SEMS) database

The Project Site does not appear on any hazardous material site list compiled pursuant to Government Code Section 65962.5 (DTSC 2022; SWRCB 2022; U.S. EPA 2022). The closest hazardous material sites include a case-closed Leaking Underground Storage Tank (LUST) site located approximately 315 feet southeast and an active case State Response site located approximately 1,322 feet west of the Project Site (DTSC 2022; SWRCB 2022). The Project Site is not located within any adopted airport land use plan. There is one school, San Luis Obispo High School, located within 0.25-mile of the Project Site.

a;b;c) The Project would not involve the routine use or disposal of hazardous materials, as Project activities would only last the duration of the construction phase (approximately five months), and no permanent Project features would involve the operational use or disposal of hazardous materials. San Luis Obispo High School is located approximately 0.12-mile east of the Project Site, separated from the Project Site by residential and commercial properties and roadways.

During construction, the presence of construction equipment would require the use of diesel fuel, gasoline, motor oil, and other similar materials. Such materials would be property handled and disposed of in accordance with applicable regulations. Reasonably foreseeable conditions that could lead to a release of hazardous materials during Project activities include accidents during construction or refueling activities, such as the overturning of a backhoe on a sloped embankment. Construction personnel would be required to have the necessary training and/or certifications to operate equipment used during Project activities, minimizing the risk of accidental release of hazardous materials due to equipment failure. The Project would not increase, encourage, or otherwise facilitate the transportation of hazardous materials above existing conditions. The amount of fuels and oil to power construction equipment would be typical of similar projects, and such minimal use of fuels would not adversely affect San Luis Obispo High School. No long-term operational impacts related to the routine transport, handling, or disposal of hazardous materials would result from the Project. Therefore, the Project would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials. These impacts would be less than significant.

d) The Project Site is not included on any lists of hazardous materials compiled pursuant to Government Code Section 65962.5 (DTSC 2022; SWRCB 2022; U.S. EPA 2022). Therefore, the Project would not create a significant hazard to the public or environment due to being located on a hazardous materials site compiled pursuant to Government Code Section 65962.5. No impact would occur.

e) The closest airport to the Project Site is the San Luis Obispo County Regional Airport, approximately 2.97 miles southeast of the Project Site. The Project Site is not located within any adopted airport land use plan. As such, the Project would not result in a safety hazard or excessive noise for working at the Project Site. No impact would occur.

f) Pursuant to the City's Specifications and Engineering Standards, the construction contractor would be required to create a temporary traffic control plan that adheres to standards for emergency access in order to allow the construction staging area encroach into Pismo Street (City of San Luis Obispo 2020c). The traffic control plan would address required equipment, barricading, flagmen, use of pilot vehicles, signing, tapers, and other components required to maintain traffic circulation. The traffic control plan is required to address how traffic would be routed, including traffic from cross streets, alleys, and private driveways. The traffic control plan would be subject to the approval of the City Engineer prior to the start of construction activities. Thus, the project would not interfere with traffic management such that it would conflict with City emergency response or evacuation plans. The project would not conflict with adopted emergency response plan or emergency evacuation plan. This impact would be less than significant.

g) The Project Site is located within a Local Responsibility Area and is not within a Very High Fire Hazard Severity Zone, as defined by the California Department of Forestry and Fire Protection (CAL FIRE) (CAL FIRE 2022). California Public Resources Code Section 4442 mandates the use of spark arrestors, which prevent the emission of flammable debris from exhaust on earth-moving and portable construction equipment with internal combustion engines that are operating on any forest-covered, brush-covered, or grass-covered land. California Public Resources Code Section 4428 requires construction contractors to maintain fire suppression equipment during the highest fire danger period (April 1st to December 1st) when operating on or near any forest-covered, brush-covered, or grass-covered land. Therefore, through regulatory compliance, the Project would not expose people or structures, directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. This impact would be less than significant.

Mitigation Measures

No mitigation measures are required.

Conclusion

No significant impacts regarding hazards and hazardous materials would occur. Therefore, no mitigation would be required.

10. HYDROLOGY AND WATER QUALITY

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	n/a	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	10	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i. Result in substantial erosion or siltation on or off site;	n/a	☐	☒	☐	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	n/a	☐	☐	☒	☐
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	n/a	☐	☒	☐	☐
iv. Impede or redirect flood flows?	n/a	☐	☒	☐	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	27, 32	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	10	☐	☐	☐	☒

Evaluation

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

USACE regulatory jurisdiction under Section 404 of the CWA extends to work in, over, and under waters of the United States that results in a discharge of dredged or fill materials within USACE jurisdiction. San Luis Obispo Creek is considered jurisdictional waters of the United States by the USACE. Section 401 of the CWA functions to ensure that federally permitted activities comply with the federal CWA and other state-mandated water quality laws. Section 401 is implemented through a review process that is conducted by the RWQCB and is typically triggered by the Section 404 permitting process. The RWQCB issues a Water Quality Certification via the Section 401 process that ensures a proposed project complies with applicable effluent limitations, water quality standards, and other conditions of state law. Evaluating the effects of the project on both water quality and quantity (runoff) falls under the jurisdiction of the RWQCB.

Under the Porter-Cologne Act, "waters of the State" fall under the jurisdiction of the SWRCB and RWQCBs. The RWQCBs must prepare and periodically update water quality control basin plans. Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control non-point and point sources of pollution to achieve and maintain

these standards. In most cases, the RWQCBs seek to protect these beneficial uses by requiring the integration of water quality control measures into projects that would result in discharge into waters of the State.

The San Luis Obispo Creek Watershed Enhancement Plan was prepared to guide local restoration partners and provide recommendations for continued enhancement projects within the San Luis Obispo Creek watershed. This plan also identifies critical issues facing the watershed such as degradation of steelhead trout instream habitat and prevalence of migration barriers, low-quality riparian vegetation buffers, and surface water quality, and identifies recommendations to address them. Lastly, the plan identifies specific restoration and enhancement projects based on the critical issues identified (The Land Conservancy of San Luis Obispo County 2002).

Based on Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (NFHL) Viewer, the Project Site is within a 100-year flood zone (FEMA 2012). The FEMA 100-year flood zone identifies areas that would be subject to inundation in a 100-year storm event, or a storm with a 1% chance of occurring in any given year.

In 2015, the state legislature approved the Sustainable Groundwater Management Act (SGMA). SGMA requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. The project is located within the San Luis Obispo Valley Groundwater Basin, which has been designated by the California Department of Water Resources (DWR) as a high-priority basin (DWR 2022). The County and City formed Groundwater Sustainability Agencies (GSAs) within their respective jurisdictions to ensure full compliance with SGMA throughout the entire San Luis Obispo Valley Groundwater Basin. The City is the GSA with jurisdiction over the Project Site (City of San Luis Obispo Department of Public Works 2022).

a;c.iii;c.iv) Construction activities within the San Luis Obispo Creek banks would occur between June 1st and October 15th, concurrent with the dry season, which reduces the risk of erosion and spills occurring during construction activities. The Project requires dewatering and diverting the existing San Luis Obispo Creek flows at the active work area by piping water from upstream to downstream of active construction activities which would temporarily redirect flows during construction. Although the Project would repair drainage control infrastructure which would minimize the likelihood of additional polluted runoff due to failure, construction activities could introduce pollutants into the San Luis Obispo Creek, which would be a potentially significant impact.

As described in Section 4, *Biological Resources*, the Project would be required to implement BMPs consistent with Mitigation Measure BIO-3. These BMPs include, but are not limited to, checking vehicles daily for leaks; use of mats and drip pans to contain leaks; use of berms, burlap-wrapped fiber rolls, jute netting, sand/gravel bags, or other method of stabilization to prevent sediment entering the creek; prohibiting refueling, cleaning, or maintenance of equipment or vehicles within the creek channel; retention of spill kits; and cleaning of off-site loose construction and landscape materials. Furthermore, implementation of Mitigation Measure BIO-3 would preclude stream diversion activities from occurring during the wet season during which flood flows may occur, which would reduce the potential for inundation from flooding during construction activities. The diversion pipe would be removed during the winter when construction activities would not be occurring within the creek channel. Implementation of Mitigation Measure BIO-3 would ensure Project construction activities would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or water quality, provide substantial additional polluted runoff, or impede or redirect flood flows. At the completion of construction, modifications to the Project Site would not cause an increase in water quality degradation beyond existing operational conditions. Therefore, impacts would be less than significant with mitigation incorporated.

b) The Project would repair drainage control infrastructure along the banks of an approximately 180-linear foot stretch of San Luis Obispo Creek. No groundwater supplies would be required for the Project, and no additional impervious surfaces would be installed. Therefore, the Project would not substantially decrease groundwater supplies or substantially interfere with groundwater recharge such that the project would impede sustainable groundwater management of the basin. This impact would be less than significant.

c.i) Based on historic creek flow data, San Luis Obispo Creek is a perennial creek which may have water flowing through the channel during the five-month construction schedule (Creek Lands Conservation 2019). Diversion during construction would be provided by one 24-inch diameter diversion pipe, 210 feet long, which would extend from the

upper check dam to the lower check dam. The upper check dams would extend the entire width of the channel from wall to wall under the Johnson Avenue Bridge. An additional temporary check dam would be added within the Project Site just downstream of the limits of flood bench excavation within the creek channel. A sump pump placed between the two upper check dams and connected to 200 feet of 4-inch diameter pressure pipe, which would outlet just downstream of the lower check dam. Proposed Project construction in the San Luis Obispo Creek channel may result in substantial erosion or siltation on or off site, which would be a potentially significant impact.

The Project would be required implement BMPs consistent with Mitigation Measure BIO-3 that would reduce impacts to water quality, including the risk of soil erosion. Furthermore, as stated in Section 4, *Biological Resources*, and Section 7, *Geology and Soils*, the Project would be constructed in compliance with the requirements of the Clean Water Act Section 401 Water Quality Certification and Section 404 permit for fill activities associated with the Project, and would include implementation of adequate erosion and sediment controls pursuant to Municipal Code Section 12.08.260. Adherence to these statutes and Mitigation Measure BIO-3 would ensure the Project would not result in substantial erosion or siltation on- or off-site. Therefore, this impact would be less than significant with mitigation incorporated.

c.ii) During construction, the Project would temporarily divert surface water within San Luis Obispo Creek through a double check dam diversion system. Once complete, the Project would not introduce new impervious surfaces that would substantially alter the existing drainage pattern of the site. The Project would be constructed during the dry season, which would reduce the potential for inundation from flooding during construction activities. In addition, Project activities would include the excavation of sediment buildup which would expand creek capacity. In turn, this would reduce the long-term potential for on- and off-site flooding. As a result, the Project would improve flood capacity and would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. This impact would be less than significant.

d) The City of San Luis Obispo is not subject to inundation from tsunami or seiche (City of San Luis Obispo 2014c). The Project Site is within a 100-year flood zone (FEMA 2012). Facilities or construction activities that use or store large quantities of hazardous materials could harm the environment if inundated by a flood resulting from a storm event or dam failure. As discussed in Section 9, *Hazards and Hazardous Materials*, the Project would not involve the routine use or disposal of hazardous materials beyond the construction period, as Project activities would only last the duration of construction (approximately five months), and no permanent features would be constructed that would involve the use or disposal of hazardous materials. The Project would be constructed during the dry season, which would reduce the risk of inundation from flooding. Operation of the project would not introduce new pollutants to the project site or result in a change to the existing flood patterns, as the Project Site would have improved flood capacity compared to existing conditions once construction activities have concluded. The Project would also reduce risk of release of pollutants resulting from erosion within the San Luis Obispo Creek by repairing drainage control infrastructure along the banks of an approximately 180-linear foot stretch of the creek. As a result, risk of pollutant release due to project inundation in a flood hazard would be less than significant.

e) The Project would not require the use of groundwater supplies or interfere with groundwater recharge. Therefore, the Project would not conflict with or obstruct implementation of a sustainable groundwater management plan. No impact would occur.

Mitigation Measures

Implement Mitigation Measure BIO-3.

Conclusion

With implementation of Mitigation Measure BIO-3, Project impacts to hydrology and water quality would be reduced to a less-than-significant level.

11. LAND USE AND PLANNING

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	23	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	14	☐	☒	☐	☐

Evaluation

The 0.35-acre Project Site is located on portions of APNs 002-341-007 and 002-341-016, which total approximately 0.73-acre (City of San Luis Obispo 2022a). APN 002-341-007 is zoned Office (O) while APN 002-341-016 is zoned as Medium Density Residential (R-2). The Project Site is surrounded by residential properties to the southwest, and residential and commercial uses to the northwest. Single family residences are located to the north, south, and east, across the intersections of Johnson Avenue and Pismo Street.

a) Construction staging would occur at the northwest side of Pismo Street, from Johnson Avenue to approximately 200 feet southwest of the Johnson Avenue intersection. Construction staging would maintain local access for residents near the Project Site to the extent practicable throughout construction of the Project in compliance with temporary traffic control measures specified within the City's Standard Specifications & Engineering Standards (City of San Luis Obispo 2020c). In addition, construction would be temporary, lasting approximately five months. Project components would not have the potential to physically divide an established community because the Project would be located within the San Luis Obispo Creek, and thus traverse adjacent to and beneath existing residential and commercial uses. Therefore, no impact would occur.

b) Pursuant to Municipal Code Section 16.18.155, creeks and their corridors are to be preserved as open space, and creek corridors are to be maintained in essentially a natural state to protection the community's water quality, wildlife diversity, and aesthetic value (City of San Luis Obispo 2022b). The Project would repair drainage control infrastructure along the banks of an approximately 180-linear foot stretch of San Luis Obispo Creek which, if left as-is would continue to result in impaired drainage control, exposure of native soil, and could lead to impaired water quality within the San Luis Obispo Creek. The Project would allow for the necessary repair of existing concrete slope protection which would maintain the quality of the San Luis Obispo Creek, pursuant to San Luis Obispo Municipal Code Section 16.18.155. Implementation of Mitigation Measures BIO-4, BIO-11, and BIO-12 require invasive species management, onsite biological monitoring, and implementation of an HMMP. Implementation of these required mitigation measures would protect creek habitat and its waters, pursuant to applicable federal, State, and local regulations, as well as City General Plan goals and policies. Therefore, with incorporation of Mitigation Measures BIO-4, BIO-11, and BIO-12, the Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. This impact would be less than significant with mitigation incorporated.

Mitigation Measures

Implement Mitigation Measures BIO-4, BIO-11, and BIO-12.

Conclusion

With implementation of Mitigation Measures BIO-4, BIO-11, and BIO-12, Project impacts associated with land use and planning would be reduced to a less-than-significant level.

12. MINERAL RESOURCES

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	4	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	4	☐	☐	☐	☒

Evaluation

Pursuant to Policy 6.5.1 of the Conservation and Open Space Element of the City's General Plan, mineral extraction is prohibited within City limits (City of San Luis Obispo 2014b).

a;b) The Project Site is on land classified as a Mineral Resources Zone-3, a classification where mineral resources of unknown significance exist (DOC 1989). The Project Site is within an existing urbanized area of the City and the Conservation and Open Space Element of the City's General Plan prohibits mineral extraction at the Project Site. As such, the Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, no impacts would occur.

Mitigation Measures

No mitigation measures are required.

Conclusion

No significant impacts to mineral resources would occur. Therefore, no mitigation measures are required.

13. NOISE

Would the project result in:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	25	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	25	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	25	☐	☐	☐	☒

Evaluation

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (Caltrans 2013). Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response. Decibels are measured on a logarithmic scale that quantifies sound intensity. Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent buildings or structures and vibration energy may propagate through the buildings or structures. Vibration may be felt, may manifest as an audible low-frequency rumbling noise (referred to as groundborne noise), and may cause windows, items on shelves, and pictures on walls to rattle. Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants at vibration-sensitive land uses and may cause structural damage.

The City Municipal Code Chapter 9.12 - Noise Control, mandates that operating tools or equipment used for construction activities between weekday hours of 7:00 p.m. and 7:00 a.m. or any time on Sundays or holidays is strictly prohibited, except for emergency works of public service utilities or by exception issued by the City Community Development Department. The Municipal Code also states that construction activities shall be conducted in such a manner, where technically and economically feasible, that the maximum noise levels at affected properties shall not exceed 75 dBA at single-family residences, 80 dBA at multi-family residences, and 85 dBA at mixed residential/commercial uses. The Municipal Code prohibits operating any device that creates ground vibration above the vibration perception threshold of an individual at or beyond 150 feet from the source on a public space or right-of-way (City of San Luis Obispo 2022b).

Noise exposure for various types of land uses reflect the varying noise sensitivities associated with those uses. Sensitive receptors typically include residences, schools, healthcare facilities, and other live-in housing facilities such as prisons or dormitories. The closest sensitive receptors to the Project Site are residential properties located approximately 12 feet southwest from the Project Site's eastern terminus and 20 feet north of the Project's northern boundary. According to the City, ambient noise levels are approximately 65 dB at the Project Site from the roadway centerline of Johnson Avenue (City of San Luis Obispo 2014a). With regard to human perception, vibration levels would begin to be perceptible at levels of 0.04 inches per second peak particle velocity (in/sec ppv) for continuous events and 0.25 in/sec ppv for transient events.

a) *Short-Term Construction Noise*. The Project Site is located within the vicinity of existing residences on Pismo Street and Johnson Avenue. During construction, noise from construction equipment, site disturbance, and other Project activities may

temporarily and intermittently dominate the noise environment in the immediate area. Typical noise levels produced by common construction equipment are provided in Table 7 below.

Table 7: Typical Noise Levels for Construction Equipment

Equipment Type	Typical Noise Level (dBA) 50 Feet from Source
Backhoe	80
Concrete Mixer	85
Concrete Pump	82
Crane, Mobile	83
Dozer	85
Heavy Truck	84
Jack Hammer	88
Paver	85
Pneumatic Tool	85
Scraper	85
Source: City of San Luis Obispo 2014a	

The nearest residential properties would be exposed to intermittent and temporary construction noise levels that exceed Municipal Code noise standards for construction near single-family residential properties. As such, there would be a potentially significant temporary impact to surrounding residences.

Mitigation Measures N-1 and N-2 require implementation of standard noise BMPs, such as the use of electric or hydraulically powered impact tools wherever feasible, and requirements for signs and briefing of construction employees regarding all noise control measures to be implemented throughout the construction phase. The Municipal Code states, where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed listed thresholds. Mitigation Measures N-1 and N-2 serve as mitigation that would lower temporary and intermittent noise levels to the extent technically and economically feasible. Upon implementation of Mitigation Measures N-1 and N-2, Project construction activities would not result in a generation of a substantial increase in ambient noise levels in exceedance of applicable regulatory thresholds. Therefore, impacts concerning construction noise would be less than significant with mitigation incorporated.

Long-Term Operational Noise. The Project would not introduce any long-term operational noise sources. Project components would replace existing damaged infrastructure and would be similar to existing equipment. No impact concerning long-term operational noise would occur.

b) Use of heavy equipment, such as the jackhammer, would generate temporary and intermittent groundborne noise or groundborne vibration during construction. These construction activities would be periodic, limited in duration, and consistent with other standard construction activities. Vibration levels would begin to be perceptible at levels of 0.04 in/sec ppv for continuous events and 0.25 in/sec ppv for transient events. Groundborne vibration levels associated with representative construction equipment are summarized in Table 8 below.

Table 8: Representative Vibration Source Levels for Construction Equipment

Equipment	Peak Particle Velocity at 25 Feet (inches/second)
Loaded trucks	0.076
Jackhammer	0.035
Small Bulldozers	0.0003
Source: City of San Luis Obispo 2014a	

As shown in Table 8, equipment that would be used intermittently during temporary Project construction activities lasting approximately five months would be well below the 0.25 in/sec ppv threshold for transient groundborne vibration levels perceptible to humans. Therefore, the Project would not generate excessive groundborne vibration or groundborne noise levels. This impact would be less than significant.

c) The Project Site is not located within the vicinity of any airport land use plan or within two miles of a private airport. The closest airport is the San Luis Obispo County Regional Airport, approximately 2.97 miles southeast of the Project Site. The Project would not add new residents to the Project Site, and given the distance to the nearest airport, the Project would not expose construction workers to excessive noise levels associated with airport operations. Therefore, no impact would occur.

Mitigation Measures

N-1 *Noise-Reducing Best Management Practices.* For the entire duration of the construction phase of the project, the following BMPs related to the reduction of construction noise shall be adhered to:

- Stationary construction equipment that generates noise that exceeds 60 dBA at the project boundaries shall be shielded with the most modern noise control devises (i.e. mufflers, lagging, and/or motor enclosures).
- Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools.
- Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used.
- All construction equipment shall have the manufacturers' recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
- All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).
- Plan noisier operations and activities during times less sensitive to nearby receptors.
- Maintain good public relations with surrounding community members and provide frequent activity updates of all construction activities. Let all surrounding community members know that all noise-related complaints shall be directed to the City Public Works Department.

N-2 *City Approval and Personnel Briefing*. Construction plans shall note construction hours, truck routes, and all construction noise BMPs, and shall be reviewed and approved by the City Community Development Department prior to issuance of grading/building permits. The City shall provide and post signs stating these restrictions at construction entry sites prior to commencement of construction and maintained throughout the construction phase of the project. All construction workers shall be briefed at a preconstruction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented. Noise-related complaints shall be directed to the City Public Works Department.

Conclusion

With implementation of Mitigation Measures N-1 and N-2, noise impacts would be reduced to a less-than-significant level.

14. POPULATION AND HOUSING

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	n/a	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	14	☐	☐	☐	☒

Evaluation

As of January 1, 2022, San Luis Obispo County's population was 280,721 with 264,529 households. As of January 1, 2022, the City's population was 47,653 persons, with 46,318 households (California Department of Finance [DOF] 2022).

a;b) The Project would not result in the construction of habitable structures or commercial/industrial uses, and would not induce population growth. The Project would utilize a minor number of temporary construction personnel over the course of the approximate five-month construction period. Construction equipment would be staged on the northwest side of Pismo Street which would not interfere with existing residences. Once completed, the Project would not involve ongoing operational uses that would result in new employment opportunities. The Project would not induce substantial unplanned population growth in an area, either directly or indirectly, or require the displacement of existing people or housing. No impact would occur.

Mitigation Measures

No mitigation measures are required.

Conclusion

No significant impacts to population and housing would occur. Therefore, no mitigation would be required.

15. PUBLIC SERVICES

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	45	☐	☐	☐	☒
Police protection?	46	☐	☐	☐	☒
Schools?	36	☐	☐	☐	☒
Parks?	20	☐	☐	☐	☒
Other public facilities?	29	☐	☐	☐	☒

Evaluation

The San Luis Obispo Fire Department (SLOFD) provides fire protection services for the City. The nearest fire station to the Project Site, Station 1, is located at 2160 Santa Barbara Avenue, approximately 0.80-mile northeast of the Project Site. In 2021, SLOFD maintained an average travel time of three minutes and 34 seconds, and 68 percent of responses were under seven minutes total response time (SLOFD 2022).

The San Luis Obispo Police Department (SLOPD) provides public safety services for the City. SLOPD's Operation Bureau provides 24-hours emergency and non-emergency response, traffic enforcement, and neighborhood outreach (SLOPD 2022). The SLOPD operates out of one police station located at 1042 Walnut Street, which is approximately 0.57-mile southeast of the Project Site.

The Project Site is located within the service area of the San Luis Coastal Unified School District (San Luis Coastal Unified School District 2022). There are 28 total City parks and 15 recreational facilities within the city, of which Mitchell Park is located closest to the Project Site, approximately 0.21-mile northeast (City of San Luis Obispo 2021). The nearest library, the San Luis Obispo Library, located at 995 Palm Street approximately 0.42-mile southeast of the Project Site, offers books, magazines, newspapers, government publications, and access to computer technology (County of San Luis Obispo Public Libraries 2022).

a) The Project would not induce population growth, either directly or indirectly, or include any actions that would have the potential to increase demand for fire protection, police protection, schools, libraries or other public services such that new or physically altered public facilities would be warranted. Project activities would be temporary and would not be located in an area that would interfere with the existing use of parks or recreational facilities. Therefore, the Project would not result in substantial physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services, police protection services, schools, parks, or other public facilities. No impacts would occur.

Mitigation Measures

Mitigation measures are not required.

Conclusion

No significant impacts to public services would occur. Therefore, no mitigation would be required.

16. RECREATION

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	20	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	20	☐	☐	☐	☒

Evaluation

There are 28 City parks and 15 recreational facilities within the City including a golf course, sports complex, stadium, swim center, community center, skate park, senior center, and community gardens. The City also owns and manages 13 open spaces and recreational trails that cover approximately 4,050 acres (City of San Luis Obispo 2021).

a;b) The Project would not induce population growth, either directly or indirectly, that would have the potential to increase the demand for parks or other recreational facilities. Temporary construction activities over an approximate five-month period would not interfere with or prohibit the use of existing neighborhood or regional parks or other recreational facilities such that other parks or recreational facilities would be utilized more frequently, and substantial physical deterioration of the facility would occur or be accelerated. The Project does not include construction of recreational facilities and would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, no impacts would occur.

Mitigation Measures

No mitigation measures are required.

Conclusion

No significant impacts to recreation would occur. Therefore, no mitigation would be required.

17. TRANSPORTATION

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	23	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	24	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	25	☐	☐	☒	☐
d) Result in inadequate emergency access?	23	☐	☐	☒	☐

Evaluation

Regional access to the Project Site is available via Johnson Avenue and Pismo Street. Existing bicycle facilities located in the vicinity of the Project Site include two Class II bicycle lanes, one of which is located on Pismo Street and spans the distance from the intersection of Pismo Street southwest to Santa Rosa Street, and the other of which is on Johnson Avenue and spans from Laurel Lane to Monterey Street and California Boulevard (City of San Luis Obispo 2022f). Public transit in the City is provided by SLO Transit. SLO Transit Routes 1A and 1B travel on Johnson Avenue through the Pismo Street intersection. The nearest bus stop to the Project Site is located at the intersection of Johnson Avenue and Marsh Street approximately 0.10-mile northwest of the Project Site (City of San Luis Obispo 2022g).

a) Trips associated with Project activities would be limited to worker trips to and from the Project Site, delivery trips for heavy equipment and construction tools, and trips to dispose of soil and other construction debris. Construction-related vehicle trips would be temporary and would cease once construction is complete. The construction contractor would be required to comply with the temporary traffic control provisions set forth in the City's Standard Specifications and Engineering Standards (City of San Luis Obispo 2020c). This document provides guidelines for traffic control during construction, including maintaining traffic, specifications for flagging, pavement delineation, among other topics. In addition, a Traffic Control Plan, compliant with the provisions set forth in the Caltrans Manual on Uniform Traffic Control Devices would be required to be submitted and approved by the City Engineer prior to the start of construction activities. All traffic coordination undertaken by the Project would require the City Engineer's approval no fewer than three days prior to implementation of traffic coordination activities (City of San Luis Obispo 2020c). Compliance with these existing standards and measures would ensure that the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. This impact would be less than significant.

b) CEQA Guidelines Section 15064.3 describes specific considerations for evaluating a project's transportation impacts. Specifically, the guidelines state VMT exceeding an applicable threshold of significance may indicate a significant impact. Pursuant to CEQA Guidelines Section 15064.3(b)(3), a lead agency may include a qualitative analysis of project-related traffic.

The City has adopted VMT thresholds consistent with the thresholds and methodologies contained in the California Governor's Office of Planning and Research's (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA* (City of San Luis Obispo 2020d). Per OPR guidance, the City states that projects anticipated to generate fewer than 110 daily vehicle trips may be assumed to result in a less-than-significant impact, unless substantial evidence indicates that a project would generate a potentially significant level of VMT or conflict with the San Luis Obispo Council of Government's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (City of San Luis Obispo 2020d). Trips associated with Project activities would be limited to worker trips to and from the Project Site, delivery trips for heavy equipment and construction tools, and trips to dispose of soil and other construction debris. The anticipated vehicle trips necessary to support project construction would not exceed 110 trips per day. Minimal construction personnel would

generate low VMT due to temporary and intermittent vehicle trips to the Project Site. Construction-related trips would cease once the construction period is complete. The Project would not change existing roadways, increase commercial or residential development in the area, generate growth, or create an increase in traffic such that inconsistencies with the RTP/SCS would occur. Therefore, the Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and this impact would be less than significant.

c) The Project would not alter or affect the existing street and intersection network in its vicinity. Construction equipment, vehicles, and machinery would be utilized within the Project Site and staging area. As discussed under criterion (a), traffic control measures would be implemented to maintain traffic control and public safety during construction activities, including transportation of necessary equipment to the Project Site. In addition, the staging area on the northwest side of Pismo Street would be clearly delineated outside of existing travel lanes, such that it would not present a significant hazard. At the completion of the construction phase, equipment would be removed, and the Project Site would not have any new geometric design features or incompatible uses that would increase hazards for vehicular and pedestrian traffic. Therefore, the Project would not substantially increase hazards due to a geometric design feature or incompatible uses. This impact would be less than significant.

d) Traffic impacts during Project construction would primarily be associated with minor roadway delays during construction, vehicle and equipment staging, and truck deliveries to the Project Site. Construction staging on the northwest end of Pismo Street would occur, necessitating the temporary rerouting of traffic heading west on Pismo Street at this intersection during construction activities. Vehicular traffic would be rerouted around Pismo Street during construction. This traffic obstruction would be temporary, ending once construction is completed. Pursuant to the City's Standard Specifications and Engineering Standards, the construction contractor would be required to provide advanced notification of traffic delays to local emergency responders (City of San Luis Obispo 2020c). As discussed under criterion (a), the Project would be required to create a temporary traffic control plan that adheres to standards for emergency access, among other requirements. Furthermore, temporary closure of Pismo Street, a one-lane one-way street, would not substantially impact emergency access as access can be provided through numerous other streets in the urbanized area such as Marsh Street and Johnson Avenue. Therefore, the Project would not result in inadequate emergency access. This impact would be less than significant.

Mitigation Measures

No mitigation measures are required.

Conclusion

No significant transportation related impacts would occur. Therefore, no mitigation would be required.

18. TRIBAL CULTURAL RESOURCES

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

Evaluation

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A-B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and are:

1. Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

The City sent notification letters to listed tribal contacts in the region on August 16, 2022, which included the Santa Ynez Band of Mission Indians, the Barbareno/Ventureno Band of Mission Indians, the Salinan Tribe of Monterey and San Luis Obispo County, the Xolon-Salian Tribe, Yak Tityu Tityu – Northern Chumash Tribe, the Northern Chumash Tribal Council, the Torres Martinez Desert Cahuilla Indians, the Chumash Council of Bakersfield, the Coastal Band of the Chumash Nation, and the San Luis Obispo County Chumash Council. One response was received from the Salinan Tribe of Monterey and San Luis Obispo County on August 26th, 2022 requesting a consultation meeting to discuss concerns of undiscovered cultural resources in the project area. The City has contacted the Tribe and is currently in consultation with the Tribe regarding construction management practices and monitoring of disturbed soils during project construction. Pursuant to PRC §21080.3.1 (b) the request for consultation window concluded September 30th, 2022.

a;b) During preparation of the Cultural Resources Assessment, Rincon contacted the NAHC on December 17, 2021, requesting an SLF search for traditional cultural resources. The NAHC responded on March 11, 2022, indicating the results of the SLF search was positive, meaning traditional cultural resources are present within the SLF search area. The NAHC provided a consultation list of 14 Native American groups within traditional lands or cultural places located within the SLF search area (Attachment C).

SLF searches are conducted by using USGS quadrangle maps, each of which covers an approximately 50- to 70-square-mile area, and the NAHC does not provide the specific location of tribal heritage resources (Attachment C). Consequently,

a positive SLF search does not explicitly indicate the presence of tribal cultural resources on the Project Site. However, based on the positive results of the SLF search, the Project Site could have the potential to contain tribal cultural resources that could be eligible for listing in the CRHR or local register, or considered to be a tribal cultural resource under CEQA. As discussed in Section 5, *Cultural Resources*, the potential to encounter archaeological resources during ground-disturbing activities exists. If encountered, previously undiscovered cultural resources could potentially be considered eligible for listing in the CRHR or a local register or be considered tribal cultural resources. As such, impacts to tribal cultural resources would be potentially significant.

Mitigation Measures CR-1, CR-2, and CR-3 would implement a worker's environmental awareness program, standard procedures for the unanticipated discovery of cultural resources, require a Native American representative to participate in the evaluation of unanticipated cultural resources discovered during construction activities, and enforce procedures for Native American consultation in the event human remains are discovered. Upon implementation of Mitigation Measures CR-1, CR-2, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource.

Mitigation Measures

Mitigation Measures CR-1, CR-2, and CR-3 would implement a worker's environmental awareness program, standard procedures for the unanticipated discovery of cultural resources, require a Native American representative to participate in the evaluation of unanticipated cultural resources discovered during construction activities, and enforce procedures for Native American consultation in the event human remains are discovered.

During the AB 52 consultation window, the Salinan Tribe of Monterey and San Luis Obispo County requesting a consultation meeting to discuss concerns of undiscovered cultural resources in the project area. The City consulted with the Tribe regarding construction management practices and monitoring of disturbed soils during project construction. On December 2nd, 2022 the Tribe informed the City that they are in agreement with the mitigation measures laid out in the Draft IS-MND for unanticipated discoveries, and confirmed that no tribal monitoring is necessary during construction activities.

Conclusion

With implementation of Mitigation Measures CR-1, CR-2, and CR-3, Project impacts associated with tribal cultural resources would be reduced to a less-than-significant level.

19. UTILITIES AND SERVICE SYSTEMS

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	n/a	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	n/a	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	n/a	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	14	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	14	☐	☐	☒	☐

Evaluation

The City's Utilities Department provides water and wastewater services to the City (City of San Luis Obispo 2022c). Wastewater generated within the City, California Polytechnic State University, San Luis Obispo, and the County airport is treated at the Water Resource Recovery Facility (WRRF). The WRRF treats approximately 4.5 million gallons of wastewater daily (City of San Luis Obispo 2022d). The City's Utilities Department is also responsible for administering an agreement with the San Luis Garbage Company for waste collection services (City of San Luis Obispo 2014a). There are three solid waste disposal facilities within the County, and most solid waste collected in the City is disposed of at the Cold Canyon Landfill (City of San Luis Obispo 2014a). Cold Canyon Landfill has a maximum permitted capacity of 1,650 tons per day. (California Department of Resources, Recycling, and Recovery [CalRecycle] 2020). As of 2020, the landfill's estimated remaining capacity was 13,000,000 cubic yards with an estimated closure date of December 2040 (CalRecycle 2020). Electricity services are provided by Pacific Gas & Electric Company and natural gas services are provided by the Southern California Gas Company (City of San Luis Obispo 2022e).

a;b;c) As described under Section 10, *Hydrology and Water Quality*, construction activities would require minimum amounts of water for dust suppression. Adequate water supplies would be available to meet the needs of the Project for dust suppression purposes. In accordance with Municipal Code Section 13.07.070(c), potable City water would not be used for major construction activities, such as grading and dust control, and would not be used to wash down sidewalks, driveways, or parking areas except to alleviate immediate fire or sanitation hazards. Consequently, the Project would not use the City's drinking water for dust suppression. No buildings would be constructed that would result in new long-term water demand. Minimal wastewater would be generated during temporary construction activities lasting approximately five months that would be served by on-site portable restroom facilities. The Project would not include any use that would require long-term wastewater discharge. Operation of the Project would not involve any activities that would increase water demand. Therefore, the Project would have sufficient water supplies available, would not require or result in relocation or construction of new or expanded water facilities, and would not exceed wastewater treatment demand beyond existing conditions.

The repair of damaged infrastructure along the banks of an approximately 180-linear foot stretch of San Luis Obispo Creek would assist in the prevention of additional failures of underlying soils and concrete slope prevention. This

preventative measure would reduce the potential for adjacent infrastructure, including adjacent properties and buried utilities, to be jeopardized due to soil or concrete failure. Thus, the Project would reduce the likelihood of stormwater runoff due to structural failure. Furthermore, the Project would not substantially increase the amount of impervious surfaces at or near the Project Site, nor would the Project increase the amount of stormwater runoff on-site. Therefore, the Project would not require additional wastewater treatment or stormwater drainage facilities.

As discussed in Section 6, *Energy*, the Project would require minimal, temporary energy use throughout construction, and construction equipment used would be typical of similar-sized construction projects in the region. Project operation would not increase the demand for additional electric power or natural gas as compared to existing conditions. Therefore, the Project would not require or result in additional electric power or natural gas facilities. Similarly, the Project would not require the need for additional telecommunications facilities.

Overall, the Project would not require relocation or construction of new or expanded utilities facilities, increase water demand, or result in inadequate wastewater treatment capacity. These impacts would be less than significant.

d;e) Project construction activities would generate construction waste. Cold Canyon Landfill has sufficient permitted capacity to accommodate the Project's temporary solid waste disposal needs associated with construction activities. Pursuant to Assembly Bill 939 and Municipal Code Chapter 8.04, recoverable materials generated during construction would be separated and recycled to minimize construction and waste exportation from the site, resulting in limited demand on the landfills within the County (City of San Luis Obispo 2022b). Operation of the Project would not generate solid waste. Therefore, the Project would not generate solid waste in excess of State or local standards, or in the excess of capacity of local infrastructure, and the Project would comply with federal, state, and local management reduction statues and regulations related to solid waste. These impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Conclusion

No significant impacts to utilities and services systems would occur. Therefore, no mitigation would be required.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	6	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	6	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	6	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	6	☐	☐	☒	☐

Evaluation

The central coast of California is prone to wildfire due to a warm, dry climate and expansive coverage of ignitable vegetation. However, the Project Site is not within a State Responsibility Area or a Very High Fire Hazard Severity Zone as defined by CAL FIRE (CALFIRE 2022). The closest Fire Hazard Severity Zone is located approximately 0.45-mile east at the foothills immediately east of San Luis Obispo High School.

a-d) The Project Site is not within a State Responsibility Area or a Very High Fire Hazard Severity Zone (CAL FIRE 2022). The Project would involve the movement of construction equipment, hauling of construction equipment, and transportation of construction personnel which could temporarily increase traffic on roadways, particularly Pismo Street and Johnson Avenue, which could possibly delay emergency vehicles. However, any minor delays during Project construction would be temporary in nature and would not impair an adopted emergency response plan or emergency evacuation plan. The Project would be required to comply with the City's Standard Specifications and Engineering Standards and implement a traffic control plan that adheres to City standards for emergency access. Therefore, the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Heavy duty equipment used during construction that may produce sparks that could ignite vegetation would be limited through regulatory compliance. California Public Resources Code Section 4442 mandates the use of spark arrestors, which prevent the emission of flammable debris from exhaust on earth-moving and portable construction equipment with internal combustion engines that are operating on any forest-covered, brush-covered, or grass-covered land. PRC Section 4428 requires construction contractors to maintain fire suppression equipment during the highest fire danger period (April 1 to December 1) when operating on or near any forest-covered, brush-covered, or grass-covered land. These regulations would minimize the risk of fire resulting from Project construction activities. No roads, fuel breaks, emergency water sources, or power lines would be installed. In addition, the Project would not result in additional housing and would not accommodate occupants. Thus, the Project would not expose project occupants to pollutant concentrations from a wildfire, exacerbate fire risk due to installation or maintenance of associated infrastructure, or expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. These impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Conclusion

No significant impacts to wildfire would occur. Therefore, no mitigation would be required.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		☐	☒	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		☐	☒	☐	☐

Evaluation

a) As discussed in Section 4, *Biological Resources*, two special-status plant species and 13 special-status wildlife species have potential to occur within the Project Site. Critical habitat for steelhead and the California red-legged frog occurs within the Project Site. In addition, the Mixed Riparian Hardwood Community that occurs within the Project Site is a sensitive natural community. Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-10, BIO-11, and BIO-12 require habitat restoration, environmental monitoring, species relocation, and additional protections to sensitive resources. Furthermore, the Project would repair drainage control infrastructure along the banks of an approximately 180-linear foot stretch of San Luis Obispo Creek, preventing the potential failure of drainage infrastructure and underlying soils which could lead to impaired water quality and habitat loss. Therefore, the Project would serve a beneficial purpose and assist in reducing the chance that habitat would be reduced.

The Project Site does not contain important examples of the major periods of California history or prehistory. Therefore, the Project would not have a substantial effect on these resources. As discussed in Section 5, *Cultural Resources* and Section 18, *Tribal Cultural Resources*, Mitigation Measures CR-1, CR-2, and CR-3 would minimize potential effects on cultural and tribal cultural resources at the Project Site.

All mitigation measures identified in this Initial Study would be included in the required Mitigation Monitoring and Reporting Program. Therefore, the Project's potential impacts would be reduced below applicable thresholds of significance with mitigation incorporated.

b) As described in the discussion of Sections 1 through 20, with respect to all environmental issues, the Project's potential impacts associated with project construction activities would be either less than significant or reduced to a less than significant level with implementation of required mitigation. This is because project construction would be temporary, and project operation would not result in adverse effects on the environmental baseline conditions.

Cumulatively considerable impacts could occur if the construction of other projects occurs at the same time as the Project and in the same vicinity, such that the effects of similar impacts of multiple projects combine to expose a resource to greater levels of impact than would occur under the Project. Certain resource areas (e.g., Geology and Soils, Hazards and Hazardous Materials) are by their nature specific to a project location, such that impacts at one location do not add to impacts at other locations. Other resource areas inherently address cumulative impacts. As noted in Section 3, *Air Quality*, and Section 8, *Greenhouse Gas Emissions*, the Project would comply with SLOAPCD's Clean Air Plan and the City's Climate Action

Plan, along with other regulations that would reduce the Project's air quality impacts and greenhouse gas emissions to less-than-significance levels. The Clean Air Plan establishes thresholds and the Climate Action Plan contains a consistency checklist, both of which that are designed such that a project that demonstrates compliance with these items would not have an individually or cumulatively significant impact. As stated above, the Project would be consistent with the Clean Air Plan and Climate Action Plan. Furthermore, implementation of Mitigation Measures AQ-1 through AQ-4 would minimize Project-generated fugitive dust, diesel emissions, and naturally occurring asbestos such that less-than-significant impacts would occur. Consequently, the Project would not generate a cumulatively considerable impacts to air quality or greenhouse gas emissions.

Cumulative projects that may be developed within and near the San Luis Obispo Creek corridor would be subject to similar regulatory requirements as the Project. These include, but are not limited to, the federal Endangered Species Act, California Endangered Species Act, and Migratory Bird Treaty Act. These regulations are designed to protect individual species and their habitats. Cumulative projects would be required to abide by the provisions of these regulations and subject to review from agencies including, but not limited to, CDFW and USFWS, to ensure potential impacts to species or habitat are minimized. However, existing regulatory requirements alone cannot guarantee species loss, habitat loss, or other impact to biological resources due to cumulative development. The Project may temporarily impact habitat utilized by special status species, but the Project would incorporate mitigation measures, such as biological monitoring and special status species relocation or avoidance, and after construction the Project Site would be restored to provide similar habitat value to baseline conditions. In addition, the Project would repair drainage control infrastructure along the banks of an approximately 180-linear foot stretch of San Luis Obispo Creek which would serve as a benefit limiting the potential destruction of habitat due to structural failure.

Anticipated Project impacts are temporary, localized effects that would occur during construction. Once operational, the project would not have significant long-term adverse environmental impacts or induce development in the area that could combine with other projects' effects to create cumulatively significant impacts. All environmental impacts that could occur as a result of the Project would be reduced to a less-than-significant level through compliance with existing regulations and implementation of mitigation measures for biological resources, cultural resources, geology and soils, hydrology and water quality, land use and planning, noise, and tribal cultural resources. These required mitigation measures would similarly ensure that the Project's contribution to cumulative species loss, habitat loss, or other regional environmental effects, would not be cumulatively considerable. Therefore, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact.

c) Adverse effects on human beings are typically associated with air quality, hazards and hazardous materials, and noise impacts. These impacts are addressed in Section 3, *Air Quality*, Section 8, *Hazards and Hazardous Materials*, and Section 12, *Noise*. As discussed in detail in these sections, the Project would not result in substantial adverse effects to humans due to exposure to hazards and hazardous materials or air quality criteria pollutants in excess of established regulatory thresholds set by SLOAPCD. Mitigation Measures AQ-1 through AQ-4 would enforce SLOAPCD measures to minimize fugitive dust, diesel emissions, and the release of naturally occurring asbestos. Mitigation Measures N-1 and N-2 would reduce the potential Project impacts associated with a temporary increase in ambient noise levels by requiring BMPs to implemented to reduce noise levels and training to be administered to construction personnel. With incorporation of these mitigation measures, potential effects on humans would be reduced to a less-than-significant impact. Therefore, the Project would not have environmental effects which would cause substantial adverse effects on human beings. This impact would be less than significant with mitigation incorporated.

22. EARLIER ANALYSES

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (c) (3) (D). In this case a discussion should identify the following items:
a) **Earlier analysis used.** Identify earlier analyses and state where they are available for review.
Not applicable.
b) **Impacts adequately addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
Not applicable.
c) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.
Not applicable.

23. SOURCE REFERENCES

1.	California Air Resources Board (CARB). 2017. California's 2017 Climate Change Scoping Plan. https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf (accessed July 2022).
2.	CARB. 2014. California Air Basin Map. https://ww3.arb.ca.gov/ei/maps/statemap/abmap.htm (accessed July 2022).
3.	California Department of Conservation (DOC). 2018. California Important Farmland Finder. https://maps.conservation.ca.gov/DLRP/CIFF/ (accessed July 2022).
4.	California Department of Conservation (DOC). 1989. Aggregate Resources and Active Mines of All Other Mineral Commodities San Luis Obispo-Santa Barbara P-C Region. https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc (accessed July 2022).
5.	California Department of Finance (DOF). 2022. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2022. https://dof.ca.gov/Forecasting/Demographics/Estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/ (accessed July 2022).
6.	California Department of Forestry and Fire Protection (CAL FIRE). 2022. FHSZ Viewer. https://egis.fire.ca.gov/FHSZ/ (accessed July 2022).
7.	California Department of Resources, Recycling, and Recovery (CalRecycle). 2020. SWIS Facility/Site Activity Details Cold Canyon Landfill, Inc. (40-AA-0004). https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1509?siteID=3171 (accessed July 2022).
8.	California Department of Toxic Substances Control (DTSC). 2022. EnviroStor. https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=san+luis+obispo (accessed July 2022).
9.	California Department of Transportation (Caltrans). 2018. California State Scenic Highway System Map. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways (accessed July 2022).
10.	California Department of Water Resources (DWR). 2022. SGMA Basin Prioritization Dashboard. https://gis.water.ca.gov/app/bp-dashboard/final/ (accessed July 2022).
11.	Caltrans. 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. September 2013. https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/references/rtcref/ch2.6/2014-12-19_Caltrans_TrafficNoiseAnalysisProtocol_Part1.pdf (accessed July 2022).
12.	California Geological Survey (CGS). 2021. EQ Zapp: California Earthquake Hazard Zones Application. September 23, 2021. https://maps.conservation.ca.gov/cgs/EQZApp/app/ (accessed July 2022).
13.	City of San Luis Obispo. 2022a. Planning Info. https://experience.arcgis.com/experience/a51155e46d504bfab3b7a107c3eb6643/page/Planning/ (accessed July 2022).
14.	City of San Luis Obispo 2022b. City of San Luis Obispo Municipal Code. https://sanluisobispo.municipal.codes/Code (accessed July 2022).
15.	City of San Luis Obispo 2022c. Environmental Programs. https://www.slocity.org/government/department-directory/utilities-department/ep (accessed July 2022).
16.	City of San Luis Obispo 2022d. Wastewater Treatment. https://www.slocity.org/government/department-directory/utilities-department/wastewater/wastewater-treatment (accessed July 2022).
17.	City of San Luis Obispo. 2022e. Utilities. https://www.slocity.org/doing-business/infrastructure/utilities (accessed July 2022).
18.	City of San Luis Obispo. 2022f. San Luis Obispo Bike Map. https://slocity.maps.arcgis.com/apps/Viewer/index.html?appid=26dbd38b9b46474a9f067ace6a453fc4 (accessed July 2022).
19.	City of San Luis Obispo. 2022g. SLO Transit RiderPortal. https://www.slocity.org/government/department-directory/public-works/slo-transit-draft/slo-transit-routes (accessed July 2022).
20.	City of San Luis Obispo. 2021. Parks + Recreation Blueprint for the Future: 2021-2041. July 2021. https://www.slocity.org/home/showpublisheddocument/29503/637690273249070000 (accessed July 2022).
21.	City of San Luis Obispo. 2020a. Climate Action Plan for Community Recovery. https://www.slocity.org/home/showpublisheddocument/27889/637339848332630000 (accessed July 2022).
22.	City of San Luis Obispo. 2020b. City of San Luis Obispo California Environmental Quality Act (CEQA) Greenhouse Gas (GHG) Emissions Thresholds and Guidance. June 22, 2020. https://www.slocity.org/home/showpublisheddocument/27835/637334343695800000 (accessed July 2022).

23.	City of San Luis Obispo. 2020c. Standard Specifications & Engineering Standards. https://www.slocity.org/home/showpublisheddocument/27919/637341402080900000 (accessed July 2022).
24.	City of San Luis Obispo. 2020d. Multimodal Transportation Impact Study Guidelines. June 2020. https://www.slocity.org/home/showpublisheddocument/26883/637290299618070000 (accessed July 2022).
25.	City of San Luis Obispo. 2014a. Land Use and Circulation Element Update Volume I Draft Program EIR. June 2014. https://www.slocity.org/home/showpublisheddocument/6723/635671221997970000 (accessed July 2022).
26.	City of San Luis Obispo. 2014b. Conservation and Open Space Element. December 9, 2014. https://www.slocity.org/home/showpublisheddocument/6651/635670212786530000 (accessed July 2022).
27.	City of San Luis Obispo. 2014c. Safety Element. December 9, 2014. https://www.slocity.org/home/showpublisheddocument/6645/635670212766530000 (accessed July 2022).
28.	City of San Luis Obispo Department of Public Works. 2022. Interactive Data Viewer. https://gis.slocounty.ca.gov/Html5Viewer/Index.html?configBase=/Geocortex/Essentials/REST/sites/PW_SGMA/viewers/PW_Viewer/virtualdirectory/Resources/Config/Default&LayerTheme=3 (accessed July 2022).
29.	County of San Luis Obispo Public Libraries. 2022. San Luis Obispo Library. https://www.slolibrary.org/index.php/about/locations/slo-library (accessed July 2022).
30.	California Office of Environmental Health Hazard Assessment. 2001. A Guide to Health Risk Assessment. May 8, 2001. https://oehha.ca.gov/media/downloads/risk-assessment/document/hrsguide2001.pdf (accessed July 2022).
31.	Creek Lands Conservation. 2019. San Luis Obispo County Low Flow Monitoring Report (2015-2018). June 2019. https://creeklands.org/wp-content/uploads/2020/02/2015-2018-CCSE-Low-Flow-Monitoring-Report.pdf (accessed August 2022).
32.	Federal Emergency Management Agency (FEMA). 2012. Flood Insurance Rate Map Map Number 06079C1067G. https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd (accessed July 2022).
33.	Federal Transit Authority (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf (accessed July 2022).
34.	Jennings, C. 1958. Geologic Map of California San Luis Obispo Sheet. https://ngmdb.usgs.gov/Prodesc/proddesc_328.htm (accessed July 2022).
35.	National Park Service (NPS). 1983. Archaeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines. September 29, 1983. https://www.nps.gov/subjects/historicpreservation/upload/standards-guidelines-archeology-historic-preservation.pdf (accessed July 2022).
36.	San Luis Coastal Unified School District. 2022. https://www.slcusd.org/our-schools (accessed July 2022).
37.	San Luis Obispo Air Pollution Control District (SLOAPCD). 2022a. Report on 2020 Air Quality in San Luis Obispo County. January 26, 2022. https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/%28E-2%29.pdf (accessed July 2022).
38.	SLOAPCD. 2022b. Land Use & CEQA. https://www.slocleanair.org/rules-regulations/land-use-ceqa.php (accessed July 2022).
39.	SLOAPCD. 2020a. Ozone Emergency Episode Plan. January 22, 2020. https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/San%20Luis%20Obispo%20County%20Ozone%20Emergency%20Episode%20Plan%2022%20January%202020.pdf (accessed July 2022).
40.	SLOAPCD. 2020b. Quick Guide for SLO County APCD Construction Mitigation Measures. https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2020CEQAWebpage-ConstructionMitigation%26SpecialConditionsGuide%20%28pdf%29.pdf (accessed July 2022).
41.	SLOAPCD. 2020c. Rule 406 Carbon Monoxide Emissions Standards and Limitations. https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Rule_406.pdf (accessed July 2022).
42.	SLOAPCD. 2012. CEQA Air Quality Handbook. April 2012. https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/CEQA_Handbook_2012_v2%20%28Updated%20MemoTable1-1_July2021%29_LinkedwithMemo.pdf (accessed August 2022).
43.	SLOAPCD. 2005. Particulate Matter Report Implementation of SB 656 Requirements. July 27, 2005. https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/PM.ReportFin.pdf (accessed July 2022).
44.	SLOAPCD. 2001. Clean Air Plan. December 2001. https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/business/pdf/CAP.pdf (accessed July 2022).
45.	San Luis Obispo Fire Department (SLOFD). 2022. 2021 Annual Report. February 2022. https://www.slocity.org/home/showpublisheddocument/31829/637884692321470000 (accessed July 2022).

46.	San Luis Obispo Police Department (SLOPD). 2022. About the Department. https://www.slocity.org/government/department-directory/police-department/about-the-department (accessed July 2022).
47.	Society of Vertebrate Paleontology (SVP). 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. https://vertpaleo.org/wp-content/uploads/2021/01/SVP_Impact_Mitigation_Guidelines-1.pdf (accessed July 2022).
48.	State Water Resources Control Board (SWRCB). 2022. GeoTracker. https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=san+luis+obispo (accessed July 2022).
49.	The Land Conservancy of San Luis Obispo County. 2002. San Luis Obispo Creek Watershed Enhancement Plan. January 2002. https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Projects/SLO-Watershed-Project/Resources/SLO-Creek-Watershed-Enhancement-Plan.pdf (accessed July 2022).
50.	United States Department of Agriculture (USDA). 2022. Web Soil Survey. https://websoilsurvey.sc.egov.usda.gov/app/WebSoilSurvey.aspx (accessed July 2022).
51.	United States Environmental Protection Agency (U.S.EPA). 2022. Superfund Enterprise Management System. July 1, 2022. https://enviro.epa.gov/enviro/efsystemquery.sems?fac_search=primary_name&fac_value=&fac_search_type=Beginning&postal_code=&location_address=&add_search_type=Beginning2&city_name=San+Luis+Obispo&county_name=San+Luis+Obispo&state_code=CA&chemical=&program_search=sems&report=basic&page_no=1&output_sql_switch=TRUE&database_type=SEMS (accessed July 2022).
52.	U.S. Fish and Wildlife Service. 2002. Recovery Plan for the California Red-legged Frog (Rana aurora draytonii). U.S. Fish and Wildlife Service, Portland, Oregon. viii + 173 pp.
53.	National Marine Fisheries Service. 2016. 5-Year Review: Summary and Evaluation of Southern California Coast Steelhead Distinct Population Segment. National Marine Fisheries Service. West Coast Region. California Coastal Office. Long Beach, California.
54.	National Marine Fisheries Service. 2013. South-Central California Coast Steelhead Recovery Plan. West Coast Region, California Coastal Area Office, Long Beach, California.
55.	National Oceanic and Atmospheric Administration. 2022. NMFS. Critical Habitat – Maps and GIS Data. West Coast Region. Available at: https://www.fisheries.noaa.gov/resource/map/critical-habitat-maps-and-gis-data-west-coast-region. Accessed January 2022.
56.	California Department of Fish and Wildlife. 2022f. Pacific Lamprey (*Entosphenus tridentatus*) Species Description. Available at: https://wildlife.ca.gov/Conservation/Fishes/Pacific-Lamprey.
57.	Central Coast Regional Water Quality Control Board. 2019. Water Quality Control Plan for the Central Coast Basin, June 2019 edition. California Environmental Protection Agency
58.	Cleveland, P.A. 1996. San Luis Obispo Creek steelhead trout habitat inventory & investigation 1995. Prepared for: California Regional Water Quality Control Board, Central Coast Region, Contract No. 4-106-253-0. August 1996.
59.	Coastal San Luis Resource Conservation District. 2014. San Luis Obispo County Watershed Management Planning Project Phase I. San Luis Obispo, CA. January 2014. Available at: https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Projects/SLO-Watershed-Project/Resources/SLO-Watershed-Management-Project.pdf
60.	Moyle, P.B., J.E. Williams, and E.D. Wikramanayake. 1989. Fish species of special concern of California. Final Report. Prepared by Department of Wildlife and Fisheries Biology, University of California, Davis for California Department of Fish and Game, Inland Fisheries Division, Rancho Cordova.
61.	National Fish Habitat Partnership. 2020. San Luis Obispo Creek, California. Available at: https://www.fishhabitat.org/waters-to-watch/detail/san-luis-obispo-creek-california. Accessed March 2022.
62.	Payne, Thomas R. & Associates. 2004. Distribution and Abundance of Steelhead in the San Luis Obispo Creek Watershed.
63.	San Luis Obispo, City of. 2003. San Luis Obispo Creek Waterway Management Plan - Volumes I, II, and III.
64.	San Luis Obispo, City of. 2012. Conservation Guidelines for Open Space Lands of the City of San Luis Obispo. Prepared by the Natural Resources Program, Administration Department. October 2012.
65.	San Luis Obispo, City of. 2014 (revised). General Plan: Chapter 6 Conservation and Open Space Element. Available at: https://www.slocity.org/government/department-directory/community-development/planning-zoning/general-plan. Originally adopted on April 4, 2006.

66.	San Luis Obispo, City of. 2018 (revised). General Plan: Chapter 8 Water and Wastewater. Available at: https://www.slocity.org/government/department-directory/community-development/planning-zoning/general-plan. Originally adopted on February 24, 1987.
67.	Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration.
68.	Spina, A.P., M.A. Allen, and M. Clarke. 2005. Downstream Migration, Rearing Abundance, and Pool Habitat Associations of Juvenile Steelhead in the Lower Main Stem of a South-Central California Stream. North American Journal of Fisheries Management 25: 919-930.
69.	Zeiner, D., W.F. Laudenslayer, Jr., and K.E. Mayer. 1988. California's Wildlife. California Statewide Wildlife Habitat Relationship System, Volumes I, II, & III. California Department of Fish and Wildlife.

Attachments

A. San Luis Obispo Creek Bank Stabilization Project Biological Resources Assessment. Rincon Consultants, Inc., June 2022

B. Jurisdictional Delineation for the San Luis Obispo Creek Bank Stabilization Project near Johnson Avenue, City of San Luis Obispo, San Luis Obispo County California. Rincon Consultants, Inc., July 2022

C. San Luis Obispo Creek Bank Stabilization Project Cultural Resources Assessment Report. Rincon Consultants, Inc., June 2022. (Note: this report is not included in the Final IS-MND because it includes confidential information related to the locations of sensitive resources. The report is on file with the City.)

D. Geotechnical Engineering Report San Luis Obispo Creek Bank Stabilization Pismo Street San Luis Obispo, California. Earth Systems Pacific. December 30, 2021.

REQUIRED MITIGATION AND MONITORING PROGRAMS

Aesthetics

AES-1 *Nighttime Work Requirements*. In the event nighttime work is necessary during the Project construction phase, any portable lighting shall be shielded and/or directed away from adjacent properties.

Monitoring Program: All mitigation measures shall be shown on construction plans. The Public Works Department shall verify compliance prior to issuance of construction permits. Nighttime Work Requirements shall be identified on any prepared and submitted Night Work Permits. The Public Works Department shall inspect the site to ensure construction activities are completed in accordance with approved plans, permits, and mitigation measures.

Air Quality

AQ-1 *Fugitive Dust Reduction*. Throughout the construction phase of the project, the project proponent/contractor shall implement the following fugitive dust reduction measures to minimize impacts to sensitive receptors. These fugitive dust reduction measures shall be shown on grading plans:

- Reduce the amount of the disturbed area where possible;
- 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;
- All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- 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;
- 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;
- All fugitive dust mitigation measures shall be shown on grading plans;
- 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).
- 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;

- 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;
- 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;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- 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;
- Take additional measures as needed to ensure dust from the Project Site is not impacting areas outside the project boundary

Monitoring Program: All mitigation measures shall be shown on construction plans. The Public Works Department shall verify compliance prior to issuance of construction permits. The Public Works Department shall inspect the site to ensure construction activities are completed in accordance with approved plans, permits, and mitigation measures.

AQ-2 *Equipment Idling Restrictions.* Throughout the construction phase of the project, the project proponent/contractor shall implement the following idling restrictions to minimize impacts to sensitive receptors. These idling restrictions shall be shown on grading and construction plans:

d. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment
   5. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
   6. Diesel idling while equipment is not in use is not permitted;
   7. Use of alternative-fueled equipment is recommended whenever possible; and
   8. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.

e. Idling Restrictions for On-Road Vehicles. Section 2485 of California Code of Regulations Title 13 limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California- and non-California-based vehicles. In general, the regulation specifies that drivers of said vehicles:
   3. Shall not idle the vehicle's primary diesel engine while vehicle is not in use, except as noted in Subsection (d) of the regulations; and
   4. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heated, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than five minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

f. Idling Restrictions for Off-Road Equipment. Off-road diesel equipment shall comply with the no-idling requirement. Signs shall be posted at the construction site to remind off-road equipment operators of the no-idling requirement.

Monitoring Program: All mitigation measures shall be shown on construction plans. The Public Works Department shall verify compliance prior to issuance of grading/construction permits. The contractor or builder shall designate a person or persons to monitor fugitive dust emissions as necessary during construction to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading or earthwork. The Public Works Department shall site inspect to ensure construction activities are completed in accordance with approved plans, permits, and mitigation measures.

AQ-3 *Naturally Occurring Asbestos Evaluation.* Prior to initiation of ground-disturbing activities, the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for naturally occurring asbestos in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 California Code of Regulations 93105). This geologic evaluation shall be submitted to the City Community Development Department upon completion. If the geologic evaluation determines

that the project would not have the potential to disturb asbestos containing materials, the applicant must file an Asbestos ATCM exemption request with the SLOAPCD.

Monitoring Program: All mitigation measures shall be shown on construction plans. The Public Works Department, or their designee, shall submit the exemption request form and geologic evaluation to SLOAPCD for review prior to the issuance of grading/construction permits. The City Public Works Department, or their designee, shall verify compliance with the requirements of the NOA ATCM by confirming SLOAPCD receipt of the exemption request and SLOAPCD's concurrence with the exemption or any subsequent SLOAPCD requirements resulting from the exemption request.

AQ-4 *Minimization of Asbestos-Related Impacts.* If asbestos containing materials are present on-site, proposed earthwork, demolition, and construction activities shall be conducted in full compliance with the various regulatory jurisdictions regarding asbestos containing materials, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 California Code of Regulations 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

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

Monitoring Program: Any subsequent requirements identified by SLOAPCD that would be required to be implemented during project construction (e.g., dust mitigation or air monitoring) shall be printed on all construction plans.

Biological Resources

BIO-1 *Worker Environmental Awareness Program.* Prior to initiation of construction activities (including staging and mobilization), all personnel associated with Project construction shall attend Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special-status species (e.g., California red-legged frog and steelhead), nesting birds, and other biological resources that have the potential to occur in the Project Site. The specifics of this program shall include identification of special-status species with potential to occur, a description of their regulatory status and habitat requirements, general ecological characteristics of any other sensitive resources, and a review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the Project Site. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees shall sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them. A WEAP training recorded by a qualified biologist specifically for the Project may be utilized if in-person trainings are restricted due to COVID-19 or if the construction schedule makes it infeasible for a biologist to train each new crew member in person. The crew foreman shall be responsible to ensure crew members are aware of project boundaries and adhere to the guidelines and restrictions designed to avoid or minimize effects to California red-legged frog, Steelhead, nesting birds, and other sensitive species and biological resources.

Monitoring Program: All mitigation measures shall be shown on construction plans. The qualified biologist or Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

BIO-2 *Project Delineation, Staging Areas, Materials Storage, and Waste Management.* Prior to the start of any Project activities (including any vegetation clearing), sturdy, high-visibility fencing shall be installed to protect jurisdictional areas and sensitive resource areas adjacent to the Project Site. This fencing shall be placed so that unnecessary impacts to adjacent habitat are avoided. No Project activities (including storage of materials) shall occur outside of the "Project Limits". The required fencing shall remain in place during the entire construction period and be maintained as needed by the construction contractor.

Areas of temporary disturbance shall be minimized to the extent practicable. Staging and laydown areas shall be limited to sites that are unvegetated and previously disturbed (e.g., existing paved roads). Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage. Material storage shall be as far from San

Luis Obispo Creek as is feasible. Construction materials and spoils shall be protected from stormwater runoff using temporary perimeter sediment barriers such as fiber rolls, sand/gravel bags, and straw bale barriers, as appropriate.

All trash shall be properly contained and regularly disposed of such that it does not leave the Project Site, enter the San Luis Obispo Creek channel, or attract wildlife. Following Project completion, all trash and construction debris shall be removed from the work and laydown areas.

Monitoring Program: All mitigation measures shall be shown on construction plans. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the Mitigation and Monitoring Plan and provide monitoring reports to the City.

BIO-3 *Best Management Practices to Protect Water Quality.* All vehicles and equipment shall be in good working condition and checked daily for leaks. The construction contractor shall prevent petroleum products, or any other pollutant, from contaminating the soil or entering the San Luis Obispo Creek channel (dry or otherwise). When vehicles or equipment are not in use, mats or drip pans shall be placed below vehicles to contain fluid leaks.

Project activities shall occur between June 1 and October 15, to the maximum extent possible, to avoid working in the creek channel during the rainy season. Work during times of precipitation shall be avoided to the maximum extent possible. The City or their contractor(s) or representative(s) shall utilize Best Management Practices (BMPs), including (but not limited to): berms, burlap-wrapped fiber rolls, jute netting, sand/gravel bags, and straw bale barriers to stabilize work areas and prevent any sediment or pollutants from entering the creek.

To further protect water quality and sensitive habitat areas, no refueling, cleaning, or maintenance of equipment or vehicles shall occur within the creek channel. Spill kits shall be kept on the Project Site and readily available at all times. Should a spill occur in the work area, clean-up shall be conducted immediately, the contaminant(s) removed to the greatest extent feasible, and any contaminated materials disposed of properly. The Project foreman or other designated liaison shall immediately notify the biological monitor and the City following any project spills. Additionally, the off-site tracking of loose construction and landscape materials shall be prevented and/or cleaned up daily, with street sweeping, vacuuming, and/or rumble plates, as appropriate.

Monitoring Program: All mitigation measures shall be shown on construction plans. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the Mitigation and Monitoring Plan and provide monitoring reports to the City.

BIO-4 *Invasive Species Management.* Prior to construction, Project plans and specifications shall clearly identify methodology for removal and disposal of invasive exotic species found within the Project Site. Invasive vegetation removed within the Project Site shall be properly disposed of at an off-site location. All construction materials (including jute netting, fiber rolls, and straw bales) brought into the Project Site shall be free from invasive plant material. All revegetation efforts (e.g., hydroseeding, planting container stock or cuttings) within the Project Site shall include only native, riparian plant species appropriate for the Project Site. Invasive wildlife species, including bullfrog (*Rana catesbeiana*), and signal and red swamp crayfish (*Pacifasticus leniusculus*; *Procambarus clarkii*), shall be removed from the Project Site by a qualified biologist using methodologies approved by the USFWS, NMFS, and/or CDFW.

Monitoring Program: All mitigation measures shall be shown on construction plans. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the Mitigation and Monitoring Plan and provide monitoring reports to the City. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits.

BIO-5 *Preconstruction Survey for Special-Status Plant Species.* A preconstruction survey for special-status plant species shall be conducted by a qualified botanist within the Project Site prior to any site disturbance and during the bloom period of marsh sandwort and adobe sanicle. If these, or any other special-status plant species, are observed within the Project Site, the location(s) of individual plants or group(s) of plants shall be clearly flagged by the qualified botanist and avoided during Project construction. If impacts to special-status plant species cannot be avoided, then

compensatory mitigation would be required by the regulatory agencies and/or lead CEQA agency (i.e., the City) through the required Habitat Mitigation and Monitoring Plan (Mitigation Measure BIO-12).

Monitoring Program: Special status species protection plans and surveys shall be submitted to for review and approval by the City Public Works Department and City Biologist prior to the approval and issuance of grading and construction permits. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading/construction permits.

BIO-6 *Avoidance and Minimization Measures for Pacific Lamprey.* No project activities shall occur in flowing or standing water within San Luis Obispo Creek, with the exception of the installation and removal of the temporary creek diversion. Capture and relocation surveys for Pacific lamprey shall be conducted by qualified and/or CDFW-approved biologists prior to the commencement of diversion construction, as well as during dewatering of the work areas. A second capture and relocation survey shall be conducted prior to the removal of the diversion. Pacific lamprey (adults, macropthalmia, or ammocoetes) found within the Project Site prior to or during dewatering shall be captured using seine nets or dip nets and relocated to a predetermined relocation site (with appropriate habitat features) within San Luis Obispo Creek. Lamprey shall be placed in aerated 5-gallon buckets and held no more than 20 minutes before relocation. These capture and relocation efforts can be conducted concurrently with the Steelhead capture and relocation efforts described in BIO-7, though lamprey shall be held in separate buckets to avoid predation.

Monitoring Program: All mitigation measures shall be shown on construction plans. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

BIO-7 *Steelhead Capture and Relocation:* No Project activities shall occur in flowing or standing water in San Luis Obispo Creek, with the exception of the installation and removal of the temporary creek diversion. Project activities within the San Luis Obispo Creek channel are proposed to occur between June 1 and October 15, outside of the steelhead migration season. If work extends into the migration season, approval must be obtained from the appropriate resource agencies. If approved, at a minimum, additional requirements typically include fish passage around the work area and additional winter water quality and bank stabilization measures. Flow conditions during this time are variable and can range from a summer low flow condition to a dry condition. Project components that require surface water diversion (detailed below) shall also require the capture and relocation of aquatic species, including steelhead, in the reach that will become dewatered. A qualified biologist approved by NMFS to handle steelhead shall be present during all dewatering, as well as all stages of the installation and removal of surface water diversions. To minimize effects to steelhead, the qualified biologist with qualified biological assistants shall conduct steelhead capture and relocation surveys prior to the commencement of diversion construction, as well as during dewatering of the diverted areas and removal of the diversion. Block nets shall be erected upstream and downstream of the Project Site and steelhead shall be removed from the block-netted area by seine, dipnets, or electrofishing due to substantial obstacles in the creek potentially making netting ineffective and relocated to an approved relocation site within San Luis Obispo Creek that contains suitable habitat that would not be affected by Project activities. Block nets shall remain in place until the diversion is functional, at which time the downstream and upstream block nets shall be removed. Fish shall be placed in aerated 5-gallon buckets and held no more than 20 minutes before relocation. Smaller fish, including steelhead young of the year, shall be placed in separate aerated buckets to avoid predation. Non-native fishes and invertebrates shall be removed from the creek by qualified biologists.

If it is anticipated that surface flow may soon become discontinuous at the diversion site, a block net shall be deployed just upstream of the diversion to block fish from entering the diversion from upstream. No block net shall be deployed downstream to allow fish located within the diversion area to exit downstream. Once surface flows become discontinuous, the qualified biologist with qualified biological assistants shall conduct steelhead capture and relocation surveys within any isolated pools/habitats. Stranded fish shall be relocated to the original approved relocation site.

A surface water diversion plan shall be prepared by the construction contractor and shall include the various structures and measures that would divert creek flow upstream of the Project Site, divert flow around or through the work area, and discharge downstream, while avoiding water quality and special-status species impacts. This plan shall be prepared by a licensed and qualified engineer in consultation with a licensed and qualified biologist. The plan shall include such components as predicted diversion flow rates, pump capacities, pump screen mesh size, material to be used, contingency plans, a removal and restoration plan, as well as design accommodations for special-status species

including fish passage requirements. A qualified biologist shall be present during dewatering and during the installation and removal of surface water diversions. A detailed diversion plan shall be submitted to the NMFS, RWQCB, USACE, and CDFW for approval at least 15 days prior to the construction of the diversion.

A relocation site shall be identified by a qualified biologist and a relocation site memo shall first be submitted to the City biologist for review and then be submitted to NMFS for approval at least 15 days prior to the construction of the first diversion. The relocation site shall be in a known perennial location in San Luis Obispo Creek, preferably upstream of the Project Site. The relocation site shall provide adequate depth in the form of scour (>1 foot) with instream cover. Overhead canopy cover shall also be present, if possible. Water temperature within the relocation site shall be well within published steelhead tolerances. Other water quality parameters, including (but not limited to) dissolved oxygen, pH, and turbidity shall also be within steelhead tolerances.

A qualified biological monitor shall be on site full-time during all Project activities that involve creek dewatering and/or the installation or removal of surface water diversions. Once the work area is completely blocked from the creek and dewatered, and if work conditions and/or prolonged Project activities are conducted outside of the active San Luis Obispo Creek channel, the monitor shall be on site for no less than one day per week.

Any worker(s) who inadvertently injure(s) or kill(s) a steelhead (or any other special-status species) or find(s) one dead or injured, shall immediately report the incident to the biological monitor. The monitor or environmental Project manager shall then immediately notify the City. The City will then provide verbal notification, as appropriate, to the USFWS Endangered Species Office in Ventura, California; NMFS in Long Beach, California; and the local CDFW contact, within three working days. The Project proponents shall provide written notification of the incident to the USFWS, NMFS, and CDFW within five working days.

Although this measure was developed based on years of experience capturing and relocation fish including steelhead, this measure may be adjusted to include any additional mitigation elements or modifications to existing mitigation elements included in project permits.

Monitoring Program: All mitigation measures shall be shown on construction plans. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

BIO-8 *Avoidance and Minimization Measures for California Red-legged Frog.* A USFWS-approved biologist shall survey the Project Site no more than 48 hours before the onset of work activities. If the biologist finds any life stage of the California red-legged frog and these individuals are likely to be killed or injured by work activities, the biologist shall be allowed sufficient time to relocate them from the Project Site before work begins. The biologist shall relocate the California red-legged frog the shortest distance possible to a predetermined location within San Luis Obispo Creek that contains suitable habitat and that would not be affected by Project activities.

A USFWS-approved biologist shall be present during installation and removal of the creek diversion, and during all vegetation removal and initial ground disturbance. After this time, the USFWS-approved biologist can designate another qualified biologist to monitor on-site compliance with all mitigation measures. Diversion intakes shall be screened with wire mesh not larger than 0.2 inch to prevent any California red-legged frogs not initially detected, and juvenile steelhead from entering the pump system.

To ensure that diseases are not conveyed between sites, the USFWS-approved biologist, shall follow the fieldwork code of practice developed by the Declining Amphibian Populations Task Force at all times.

Project activities shall occur between June 1 and October 15, to the maximum extent feasible, in order to avoid the California red-legged frog breeding season.

Monitoring Program: All mitigation measures shall be shown on construction plans. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits. The USFWS-approved biologist shall submit a report documenting the findings of the survey to the City Public Works Department and City Biologist for review and

approval. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

BIO-9 *Avoidance and Minimization Measures for Other Special-Status Amphibians and Reptiles.* A preconstruction survey for special-status amphibians and reptiles (e.g., lesser slender salamander, southwestern pond turtle, and coast range newt) shall be conducted within the Project Site by a qualified biologist no more than 48 hours before the onset of work activities. This survey can be conducted concurrently with the preconstruction survey for the California red-legged frog. If any special-status amphibian or reptile species are found in areas where they are likely to be killed or injured by work activities, then a qualified biologist shall be allowed sufficient time to relocate them from the Project Site before work begins. A qualified biologist shall also be on site during any vegetation removal or initial ground disturbing activities. If any special-status species be encountered within the Project Site prior to or during these activities, work shall be halted until the biologist has sufficient time to move any individuals from the site.

Monitoring Program: All mitigation measures shall be shown on construction plans. The approved biologist or Environmental Monitor shall submit a report documenting the findings of the survey to the City Public Works Department and City Biologist for review and approval. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

BIO-10 *Preconstruction Survey for Special-Status Birds and Other Nesting Birds.* A preconstruction nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to initiation of Project activities. The survey shall be conducted within the Project Site and include a 50-foot buffer for passerines and a 500-foot buffer for raptors. Portions of the buffer areas that may be inaccessible due to private property constraints shall be surveyed from the Project Site and/or public roads using binoculars. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in the region and shall focus on trees, vegetated areas, and other potential nesting within the vicinity of the Project Site. If nests are found, an appropriate avoidance buffer (typically 50 feet for passerine species and 500 feet for raptors) shall be determined and demarcated by the biologist with high visibility material located within or adjacent to the Project Site.

All Project personnel shall be notified as to the existence of the buffer zones and to avoid entering buffer zones during the nesting season. No Project activities shall occur within the buffer until the avian biologist has confirmed that breeding/nesting is complete, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

Monitoring Program: All mitigation measures shall be shown on construction plans. The approved biologist or Environmental Monitor shall submit a report documenting the findings of the survey to the City Public Works Department and City Biologist for review and approval. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

BIO-11 *Onsite Biological Monitoring.* A qualified biologist shall be onsite during all vegetation removal, initial ground disturbing activities, and/or during any construction activities that may impact sensitive biological resources, such as dewatering and diversion installation or removal. The biologist shall have the authority to temporarily halt or redirect work to avoid impacts to special-status species or other protected biological resources. Once the diversion has been installed and vegetation removal and initial ground-disturbing activities have been completed, the biological monitor shall be onsite for no less than two days per week, for a minimum two-hour period per day. A Biological Monitoring Plan shall be created for the project, which shall include species-specific details regarding preconstruction surveys and on-site monitoring. The Monitoring Plan shall be approved by the City Biologist prior to the initiation of construction activities.

Monitoring Program: All mitigation measures shall be shown on construction plans. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits. The Environmental Monitor shall monitor

environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

BIO-12 *Habitat Mitigation and Monitoring Plan.* Project impacts to habitat within the San Luis Obispo Creek corridor shall be mitigated through implementation of a Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall be prepared by a qualified biologist/restoration ecologist and approved by each of the regulatory agencies (i.e., the NMFS, USACE, RWQCB, and CDFW) prior to the initiation of construction activities. The HMMP shall include details on the restoration of portions of San Luis Obispo Creek that will be disturbed by the Project, including jurisdictional features, sensitive natural communities (i.e., Mixed Riparian Hardwood), and associated riparian and stream habitats. If any Project impacts to listed plant species be unavoidable, then the HMMP shall also include details on the compensatory mitigation required for impacts to these species. For impacts to jurisdictional waters and riparian habitat, the HMMP would be required to include the following minimum compensatory mitigation ratios:

- On-site mitigation for permanent impacts to jurisdictional/sensitive areas implemented at a minimum ratio of 2:1; and
- On-site mitigation for temporary impacts to jurisdictional/sensitive areas implemented at a minimum ratio of 1:1.

Final mitigation ratios required by the regulatory agencies during the permitting process may differ but shall be confirmed prior to the initiation of applicable construction activities.

At a minimum, the HMMP shall include the following:

- A description of the jurisdictional waters, sensitive plant communities, riparian and stream habitat, and/or sensitive plant species disturbed by the project, and how the mitigation method (e.g., restoration, invasive species removal, enhancement) will achieve the necessary mitigation goal/s;
- a plant palette and methods of salvaging, propagating, seeding, and/or planting the site to be restored;
- methods of soil preparation;
- type(s) and method(s) of instream habitat enhancement (e.g., installation of downed woody debris);
- a schedule for restoration activities including weed abatement, propagating and planting, soil preparation, erosion control, qualitative and quantitative monitoring, and reporting;
- identification measurable performance standards for each objective to evaluate the success of the compensatory mitigation (at a minimum, 80% absolute cover of vegetation by end of year 3 with less than 10% comprised of non-native vegetation);
- maintenance and monitoring necessary to confirm the mitigation area meets the success criteria; and
- Identification of contingency and adaptive management measures to address unforeseen changes in site conditions or other components of the mitigation project.

Where feasible, mitigation would be required occur on-site and may include hydroseeding with a native riparian seed mix, installing native riparian container stock, and/or removal of invasive plant species (e.g., tree of heaven, elmleaf blackberry). If on-site mitigation is found to be infeasible by the qualified biologist/restoration ecologist, off-site mitigation shall occur within the San Luis Obispo Creek corridor as close to the site as is feasible, based on the professional judgment of the qualified biologist/restoration ecologist.

Monitoring Program: All mitigation measures shall be shown on construction plans. The City Public Works Department and City Biologist shall review and approve the HMMP for compliance prior to issuance of the grading permits and onset of construction.

Cultural Resources

CR-1 *Worker Environmental Awareness Program.* A qualified archaeologist shall conduct a Worker Environmental Awareness Program training on archaeological sensitivity for all construction personnel prior to the commencement

of any ground-disturbing activities within the Project Site. The training shall be developed by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology (National Park Service [NPS] 1983). Archaeological sensitivity training shall include a description of the types of cultural materials that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

Monitoring Program: All mitigation measures shall be shown on construction plans. The qualified archaeologist shall conduct the Program training and provide documentation of compliance to the City Public Works Department.

CR-2 *Unanticipated Discovery of Cultural Resources.* In the event cultural resources are encountered during ground-disturbing activities, work within 50 feet of the find shall halt and a City-qualified archaeologist shall be contacted immediately to evaluate the find, pursuant to *CEQA Guidelines* Section 15064.5(f). If the archaeologist determines further information is needed to evaluate significance, a testing plan shall be prepared and implemented prior to resuming project activities. If the find is determined to be significant by the qualified archaeologist, the qualified archaeologist shall implement a data recovery plan designed to obtain information about the discovery. Recovery of significant cultural resources described in the data recovery plan, if necessary, shall include but not be limited to, manual or mechanical excavations, monitoring, soils testing, photography, mapping, or drawing to adequately recover the scientifically consequential information from and about the archaeological resource. Further treatment may be required, including site recordation, excavation, site evaluation, and data recovery. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archaeologist. The data recovery plan shall be approved by the City prior to the implementation of data recovery activities. Once approved, the qualified archaeologist shall carry out data recovery in conformance with the data recovery plan. All cultural resource work shall follow accepted professional standards in recording any find including submittal of standard Department of Parks and Recreation Primary Record forms (DPR Form 523) and location information to the appropriate California Historical Resources Information System office for the Project Site. If the find is prehistoric, then a native American representative shall also be contacted to participate in the evaluation of the find.

Monitoring Program: All mitigation measures shall be shown on construction plans. In the event of unanticipated discovery, the qualified archaeologist shall submit an evaluation report for review and approval by the City Public Works Department and Community Development Department. Compliance with any required subsequent actions shall be ensured by the City.

CR-3 *Discovery* of *Human Remains.* If human remains are discovered during construction activities, work shall immediately stop within the immediate vicinity of the area where the remains were discovered. The County coroner shall immediately be notified of the find, and a date and time for the County coroner to evaluate the find shall be determined by the applicant, City, and County coroner. The County coroner shall make a determination of the origin and disposition of the remains. If the County coroner determines the remains are prehistoric, the County coroner shall notify the NAHC which will determine a Most Likely Descendant (MLD). The MLD shall perform site inspection of the site within 48 hours of being granted site access and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. The applicant, City, County coroner, and MLD, if applicable, shall jointly decide on a date, time, and method of removal of remains. Removal shall be carried out prior construction resuming within the vicinity.

Monitoring Program: All mitigation measures shall be shown on construction plans. In the event of unanticipated discovery, the qualified archaeologist shall submit an evaluation report for review and approval by the City Public Works Department and Community Development Department. Compliance with any required subsequent actions shall be ensured by the City.

Geology and Soils

GEO-1 *Implementation of Geotechnical Design Features.* Prior to the issuance of grading permits, the construction contractor shall retain a qualified geotechnical engineer to incorporate all applicable geotechnical recommendations made in the Project specific Geotechnical Engineering Report for the purpose of reducing impacts related to soil expansion. Such recommendations include, but are not limited to, retaining wall foundation design, deepening foundations, and moisture conditioning soil. Geotechnical recommendations shall be noted on site plans and provided to the City for

approval prior to the issuance of grading permits. The qualified geotechnical engineer shall be retained throughout construction to provide observation during grading and backfill, wall construction, and oversight of soil special inspection, as detailed in the Geotechnical Engineering Report. At the completion of construction, the qualified geotechnical engineer shall provide written confirmation to the City that all applicable geotechnical recommendations were followed.

Monitoring Program: The Public Works Department shall verify compliance prior to issuance of grading permits and throughout implementation of the Project.

Hydrology and Water Quality

Implement Mitigation Measure BIO-3.

Land Use and Planning

Implement Mitigation Measures BIO-4, BIO-11, and BIO-12.

Noise

N-1 *Noise-Reducing Best Management Practices.* For the entire duration of the construction phase of the project, the following BMPs related to the reduction of construction noise shall be adhered to:

- Stationary construction equipment that generates noise that exceeds 60 dBA at the project boundaries shall be shielded with the most modern noise control devises (i.e. mufflers, lagging, and/or motor enclosures).
- Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools.
- Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used.
- All construction equipment shall have the manufacturers' recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
- All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).
- Plan noisier operations and activities during times less sensitive to nearby receptors.
- Maintain good public relations with surrounding community members and provide frequent activity updates of all construction activities. Let all surrounding community members know that all noise-related complaints shall be directed to the City Public Works Department.

Monitoring Program: All mitigation measures shall be shown on construction plans. The City Public Works Department or their designee shall ensure compliance throughout construction. Permit compliance staff shall periodically inspect the site for compliance with activity schedules and respond to complaints.

N-2 *City Approval and Personnel Briefing*. Construction plans shall note construction hours, truck routes, and all construction noise BMPs, and shall be reviewed and approved by the City Community Development Department prior to issuance of grading/building permits. The City shall provide and post signs stating these restrictions at construction entry sites prior to commencement of construction and maintained throughout the construction phase of the project. All construction workers shall be briefed at a preconstruction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented. Noise-related complaints shall be directed to the City Public Works Department.

Monitoring Program: All mitigation measures shall be shown on construction plans. The City Public Works Department or their designee shall ensure compliance throughout construction. Permit compliance staff shall periodically inspect the site for compliance with activity schedules and respond to complaints.