

Notice of Determination

Appendix D

To:
 Office of Planning and Research
 U.S. Mail: Street Address:
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: San Luis Obispo
 Address: 1055 Monterey St., San Luis Obispo, CA 93408

From:
 Lead Agency: City of San Luis Obispo
 Address: 919 Palm Street, San Luis Obispo, CA 93401

Contact: Callie Taylor, Associate Planner
 Phone: (805)781-7016
 email: CLTaylor@slocity.org
 Lead Agency (Name of Document Signee):
City of San Luis Obispo
 Address: 919 Palm Street, San Luis Obispo, CA 93401

Contact: Brian Leveille, Senior Planner
 Phone: 805-781-7166

Email: bleveille@slocity.org

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): Addendum to 2015081034
 Project Title: Avila Ranch Development Project

Project Applicant: Avila Ranch, WCP Developers, LLC

Applicant Email: dang@wcpdev.com Applicant Phone: (805)595-5440

Project Location (include county): Buckley Road/Vachell Lane, City of San Luis Obispo, San Luis Obispo County

Project Description: 175 Venture Dr.

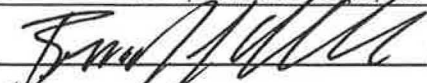
The Avila Ranch Development Plan was approved by the San Luis Obispo City Council on September 19, 2017. Project entitlements included certification of the Final EIR. The project includes 720 residential units, 15,000 square feet of neighborhood commercial, open space, and parks on a 150-acre area which is to be developed within six (6) phases of development with a phased final map. The current FEIR Addendum includes minor modification to the timing of Mitigation Measure TRANS-11 to require installation of the south bicycle bridge on Buckley Road concurrently with the bicycle lanes on Buckley Road in Phase 4 of the development.

This is to advise that the City of San Luis Obispo has approved an
 Lead Agency or Responsible Agency)
FEIR Addendum to the above described project on 1/23/2024 and has made the following
 determinations regarding the above described project. (date)

1. The project will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not] adopted for this project.
5. A statement of Overriding Considerations was was not] adopted for this project.
6. Findings were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

FEIR Addendum available at 919 Palm Street, San Luis Obispo, CA

Signature (Public Agency):  Title: Brian Leveille, Senior Planner

Date: 1/24/2024 Date Received for filing at OPR: _____



CITY OF SAN LUIS OBISPO

Addendum to the Final Environmental Impact Report for the Avila Ranch Development Plan December 11, 2023

1. Project Title:

Avila Ranch Development Plan

2. Lead Agency Name and Address:

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

3. Contact Person and Phone Number:

Callie Taylor, Associate Planner
805-781-7016

4. Project Location:

175 Venture Drive
San Luis Obispo, CA 93401

5. Project Applicant and Representative Name and address:

Avila Ranch
WCP Developers, LLC
Dan Garson, Director of Land Development
735 Tank Farm Rd Suite 100, San Luis Obispo, CA 93401

6. General Plan Designation:

Special Focus Area SP-4. Per Avila Ranch Development Plan: Low-Density Residential, Medium-Density Residential, Medium-High Density Residential, High-Density Residential, Neighborhood Commercial, Open Space, Park

7. Zoning:

Per Avila Ranch Development Plan: R-1 Low-Density Residential, R-2 Medium-Density Residential, R-3 Medium-High Density Residential, R-4 High-Density Residential, C-N Neighborhood Commercial, Conservation/Open Space C/OS, PF Public Facility, Airport Area Specific Plan

8. Description of the Project:

The Avila Ranch Development Plan was approved by the San Luis Obispo City Council on September 19, 2017. Project entitlements included certification of the Final EIR, approval of the Avila Ranch Development Plan, Airport Area Specific Plan Amendment, General Plan Amendment, Vesting Tentative Tract Map, Zone Change, Development Agreement, and establishment of a Community Facilities District. The project includes 720 residential units, 15,000 square feet of neighborhood commercial, open space, and parks on a 150-acre area which is to be developed within six (6) phases of development with a phased final map.

9. Project Entitlements Requested:

Previously approved by the City Council on September 19, 2017. Project implementation, Final Map recordation, permits, and construction are in process.

10. Previous Environmental Review:

The Avila Ranch Development Plan (ARDP) and associated Final Environmental Impact Report (EIR) were approved and certified by the City Council on September 19, 2017, pursuant to Resolution No. 10832 (2017 Series). The significance of each impact resulting from implementation of the Project was determined based on impact significance criteria and applicable CEQA Guidelines for each impact topic. The EIR found that the Project would result in significant and unavoidable construction-related and long-term impacts to air quality, construction-related noise, and long-term transportation and traffic impacts. Mitigation measures were adopted to reduce the potential impacts where feasible, and the City Council adopted CEQA findings and a Statement of Overriding Conditions to address the identified significant and unavoidable impacts described in the Final EIR.

Buildout of the project is currently underway. The Phase 1 Final Map was recorded in December 2018, and the Phase 1 residential units are currently under construction. On- and off-site improvements have been constructed as part of Phase 1, including transportation improvements to mitigate for the increase in traffic generated by the Tract 3089 development.

11. Purpose of the Addendum:

Section 15164 of the State *CEQA Guidelines* allows a lead agency to prepare an addendum to a Final EIR when only "minor technical changes or additions" are necessary to address the effects of a minor change to the approved project since the Final EIR was certified. In addition, the lead agency is required to explain its decision not to prepare a subsequent EIR pursuant to State CEQA Guidelines Section 15162, which requires subsequent EIRs when proposed changes would require major revisions to the previous EIR "due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects."

Subsequent to certification of the ARDP Final EIR, additional information has been identified which affects the construction timing of a portion of Mitigation Measure TRANS-11. This mitigation measure established an obligation for the project to install two separated bicycle bridges on each side of Buckley Road at Tank Farm Creek. Off-site property acquisition and temporary construction easements are required in order to install these improvements on the south side of Buckley Road. Property negotiations are in process between the developer and the neighboring property owner to the south. Through the negotiation process, the parties have identified the need to update the timing of the south bicycle bridge to be consistent and concurrent with the installation the bicycle lanes and road widening on Buckley Road. The purpose of this Addendum is to document the revised status of the south bicycle bridge construction timing and to confirm the change of mitigation timing would not result in any new or more severe significant environmental effects not previously analyzed in the Final EIR.

The evaluation below discusses the issue areas that are relevant to this Addendum and covered by the previously approved Final EIR. The evaluation concludes that no new environmental effects are created and that there is no increase in the severity of previously identified significant effects.

12. Addendum Requirements:

Pursuant to Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines, when a lead agency has adopted an EIR for a project, a subsequent EIR does not need to be prepared for the project unless the lead agency determines that one or more of the following conditions are met:

1. Substantial project changes are proposed that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes would occur with respect to the circumstances under which the project is undertaken that require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR; or
 - b. Significant effects previously examined will be substantially more severe than identified in the previous EIR; or

- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives; or
- d. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Preparation of an Addendum to an EIR is appropriate when none of the conditions specified in Section 15162 (above) are present and some minor technical changes to the previously certified EIR are necessary to address minor changes to an approved project. Because the new information would not result in any new or more severe significant impacts, an Addendum is the appropriate CEQA document.

NEW INFORMATION AND UPDATED PROJECT ELEMENTS

NEWLY DISCOVERED INFORMATION

The Avila Ranch Final EIR, Mitigation Measure TRANS-11, established an obligation for the project to install two separated bicycle bridges on each side of Buckley Road at Tank Farm Creek to improve access to safe bicycle routing along Buckley Road.

As originally approved, construction of these bridges was required with Phase 2 of the Avila Ranch project and was envisioned to be constructed simultaneously with the Buckley Road Extension, which was also required prior to Phase 2. Avila Ranch has since completed the Buckley Road Extension, choosing to advance this street extension with Phase 1 of the development.

The design for the bicycle bridge on the south side of Buckley Road is being processed through the County of San Luis Obispo permitting review, with issuance of permits pending off-site right-of-way acquisition. The project applicant has been negotiating with the property owner on the south side of Buckley Road to obtain off-site property for right-of-way purposes. One of the primary challenges associated with the right-of-way acquisition is a concern regarding the functionality and safety of constructing the bicycle bridge with Phase 2, when the bridge would connect back to a segment of Buckley Road with no existing bike lanes east of the bridge. The Avila Ranch project is required to construct additional road widening on Buckley east of the bridge with Phase 4, which will provide 8-foot-wide shoulders/bicycle lanes further to the east. There has been a request by the property owner to the south, who owns the land on which the bicycle bridge will be constructed once right-of-way is acquired, to defer construction of this bicycle bridge until Phase 4 of the Avila Ranch development. Deferral of the bicycle bridge to Phase 4 would result in a continuous bicycle facility along this segment and limit the overall duration of construction impacts to the private property owner on the south side of the roadway.

CHANGED BASELINE CONDITIONS AND UPDATED PROJECT ELEMENTS

The 2017 Final EIR identified project impacts under TRANS-11, which states that the project development would increase demand for bicycle facilities in an underserved area and would potentially conflict with the City's Bicycle Transportation Plan regulations and General Plan thresholds. Mitigation Measure TRANS-11 was identified in order to mitigate this impact. The revised timing of construction of the south separated bicycle bridge, identified in Mitigation Measure TRANS-11, is being evaluated in this Addendum.

The following mitigation measure was adopted in the 2017 Final EIR to provide continuous bicycle facilities along Buckley Road and reduce transportation related impacts to the greatest extent feasible:

MM TRANS-11

The Applicant shall construct two (2) separated bicycle bridges on each side of Buckley Road at Tank Farm Creek and provide connections to Buckley Road so as to provide continuous and safe bicycle routing along Buckley Road. These sections of roadway and creek crossings are under the jurisdiction of the County and would need to meet both City and County design standards to the greatest extent feasible and are subject to approval of the City's Public Works Director.

Plan Requirements and Timing. Prior to recordation of the final VTM for Phase 2, the Applicant shall submit a Public Improvement Plan for the Buckley Road Class II bicycle lanes and the separated bicycle bridges across Tank Farm Creek. These improvements shall occur concurrently with the extension of Buckley Road to South Higuera Street during Phase 2.

Monitoring. The City shall verify that the Applicant has modified the Project design to be in accordance with the BTP and the AASP.

These improvements were required to address a transportation policy impact related to the City's Bicycle Transportation Plan, which identified future plans to provide continuous bicycle facilities along Buckley Road. The timing of this mitigation measure was not developed based on any quantitative threshold of significance or number of units, but rather was developed with the general intent to provide for orderly development and infrastructure improvements as the development builds out.

In addition, Mitigation Measure TRANS-11 was also proposed to partially address Air Quality Impact AQ-4, which was a significant but mitigable impact. AQ-4 states that construction and operation of the Project would result in impacts to global climate change from the emissions of Greenhouse Gases and would be potentially inconsistent with the City's Climate Action Plan. Mitigation Measure TRANS-11 requires bicycle bridges to facility alternative transportation, which would in turn serve to lower GHGs.

Mitigation Measure TRANS-11, including the north and south separate bicycle bridges, was originally intended to coincide with the Buckley Road Extension in Phase 2. However, the

developer completed the Buckley Road extension ahead of schedule, prior to Phase 1 of the development. Road widening and 8-foot-wide shoulders/bicycle lanes on Buckley Road are required to be installed during Phase 4 of the development, as identified in Tentative Tract Map Condition of Approval #107.

Staff from the City of San Luis Obispo and the County of San Luis Obispo have met with the Avila Ranch project developer and the neighboring property to south who owns the area needed for road widening and installation of the bicycle bridge. The neighboring property owner has brought up concerns with installing the bicycle facilities in a piecemeal fashion. There are also concerns that installing the bicycle bridges near the South Higuera intersection in close proximity to the Bob Jones Trail will attract bicyclists and pedestrians for recreational use on Buckley Road; however, road widening and continuous bicycle lanes to the east of the bridge would not be installed until Phase 4. A Phase 2 bridge installation would thereby create an interim time period where bicycle facilities are sporadic and non-continuous.

As a result of this newly discovered information and the change in conditions described above, the proposed timing of the construction of the south bicycle bridge is being modified to create concurrent construction timing with the rest of the bicycle route on Buckley Road during Phase 4.

Both City and County Public Works staff have considered the Avila Ranch representative's formal request to defer construction of the bicycle bridge on the south side of Buckley Road to Phase 4 of the development and concur with this request. Based on staff's review, this modification would not result in any new or exacerbated impacts as identified in the approved project EIR and the project would retain the obligation to improve bicycle facilities on Buckley Road for consistency with the City's adopted Bicycle Transportation Plan (now Active Transportation Plan). Concurrent Phase 4 installation will address the safety concerns of the non-continuous segments of bike paths. It will meet the intent of the mitigation measure to create continuous bicycle facilities on Buckley Road and implement the goals of the Active Transportation Plan. Concurrent construction in Phase 4 will also minimize construction related impacts on the property owner to south, who Avila Ranch is currently working with to acquire off-site property for the bicycle improvements.

Based on the EIR analysis, the timing of the bridges had no bearing on the conclusion that the impact was significant. The impacts analyzed in TRANS-11 of the 2017 EIR will still be mitigated by the mitigation measure in its modified form with revised timing. The revised timing of the bicycle bridge installation will serve the original intention of creating continuous bicycle lanes on Buckley Road and providing alternative transportation methods upon completion of construction. Impacts identified in TRANS-11 and AQ-4 will be mitigated as originally intended by constructing the bicycle bridges concurrently with the bicycle lanes on Buckley Road.

For clarity, the requirement to construct the bicycle bridge on the north side of Buckley Road will remain a condition tied to Phase 2 of the development, as originally required by Mitigation Measure TRANS-11. Construction of the north bridge facility would not require acquisition of off-

site right-of-way, and it would be located further to the north and connected to the Class 1 bicycle facilities within Avila Ranch.

MINOR TECHNICAL CHANGES TO THE FINAL EIR

The project timing revisions noted above would result in minor changes to the approved project and Final EIR and are therefore evaluated in this Addendum, below.

Transportation. The Final EIR determined that impacts to Transportation under TRANS-11 are significant but mitigable. Implementation of several required mitigation measures would reduce Transportation impacts to the greatest extent feasible. Mitigation Measure TRANS-11 requires the installation of separated bicycle facilities on both the north and south side of Buckley Road in order to create continuous bicycle routes on Buckley Road along the project frontage. The improvements will be designed and installed as originally required, however, the timing will be modified to be tied to other adjacent bicycle facility improvements in the area. The north bridge over Tank Farm Creek, which is connected to the Class 1 path within Avila Ranch, will be installed during Phase 2, as required by the original mitigation measure. The south bridge over Tank Farm Creek will be installed in Phase 4, concurrent with Buckley Road widening and installation of bicycle lanes on Buckley Road, thereby creating continuous bicycle routes on Buckley Road as was intended by the original mitigation measure. Therefore, no new or more severe impacts would occur beyond what was previously analyzed in the Final EIR.

Mitigation Measure TRANS-11 as updated would be consistent with the City of San Luis Obispo's Active Transportation Plan. With implementation of Mitigation Measure TRANS-11, the project would continue to reduce impacts identified under TRANS-11 and AQ-4 to the greatest extent feasible. Implementation of revised timing of a portion of Mitigation Measure TRANS-11 would not change the environmental determination of the identified impacts or other resource sections in the Final EIR. Therefore, no new or more severe impacts would occur beyond what was previously analyzed in the Final EIR.

DETERMINATION

In accordance with Section 15164 of the State CEQA Guidelines, the City of San Luis Obispo has determined that this Addendum to the certified Final EIR is necessary to document changes or additions that have occurred since the Final EIR was originally certified. The changes proposed are relatively minor in nature and, as documented above, would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Additionally, no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous Final EIR was adopted has been identified.

The preparation of a subsequent environmental document is not necessary because:

1. None of the circumstances included in Section 15162 of the CEQA Guidelines have occurred which require a subsequent environmental document:

- a. The project changes do not result in new or substantially more severe environmental impacts.
- b. The circumstances under which the project is undertaken will not require major changes to the IS/MND.
- c. The modified project does not require any substantive changes to previously approved mitigation measures.

2. The changes are consistent with City General Plan goals and polices that promote provision of additional housing within the City.

The City has reviewed and considered the information contained in this Addendum and finds that the preparation of subsequent CEQA analysis that would require public circulation is not necessary. This Addendum does not require circulation because it does not provide significant new information that changes the adopted Final EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. The City shall consider this Addendum with the certified Final EIR as part of the basis for potential approval of on- and off-site subdivision improvements for the Avila Ranch Project.