

**RESPONSE TO COMMENTS ON THE
CIRCULATED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

The letters of comment for the Oppenheimer Pavilion and Agricultural Event Center Project Initial Study and Proposed Mitigated Negative Declaration (MND) are provided below, with the responses following the individual letters. Letters of comment are reproduced in total, and numerical annotation has been added as appropriate to delineate and reference the responses to those comments.

With the exception of the letter from the State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit, all comment letters are listed chronologically.

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Monday, March 6, 2017



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Oppenheimer Pavilion and Agricultural Event Center Project

SCH Number: 2017021037

Document Type: MND - Mitigated Negative Declaration

Project Lead Agency: California State Polytechnic University, San Luis Obispo

Project Description

The project proposes improvements to the equine center, environmental horticultural sciences, beef unit, and crops unit areas on campus through a phased project approach. Proposed project components include demolition of existing structures, upgrades to existing structures, as well as the development of new facilities, including a new agricultural event center. The project also includes associated improvements such as utilities, detention basins for surface water control, landscaping, and access roads for circulation. The project consists of four project phases: phase 1 (equestrian pavilion, foaling barn, stallion barn), phase 2 (equestrian pavilion, animal health center, new storage building), phase 3 (ag event center), and phase 4 (crop sciences).

Contact Information

Primary Contact:

Julie Hawkins
California State Polytechnic University, San Luis Obispo
(805) 756-6563
Facility Services, Building 70, Cal Poly
San Luis Obispo, CA 93407

Project Location

County: San Luis Obispo
City: San Luis Obispo
Region:
Cross Streets: Via Carta and Village Dr and Highland Dr and Mount Bishop Rd
Latitude/Longitude: 35° 17' 48.7" / 120° 39' 26.8" [Map](#)
Parcel No: 073-341-020
Township: 30S
Range: 12E
Section: 23
Base: MDBM
Other Location Info:

Proximity To

Highways: 1
Airports:
Railways: UPRR
Waterways: Stenner Creek, Brizzolara Creek, San Luis Obispo Creek
Schools: Cal Poly; ESS
Land Use: outdoor teaching and learning land use category

Development Type

Educational (improvements to campus educational facilities), Recreational (new ag events center and pavilion)

Local Action

Site Plan

Project Issues

Aesthetic/Visual, Agricultural Land, Air Quality, Archaeologic-Historic, Biological Resources, Cumulative Effects, Drainage/Absorption, Flood Plain/Flooding, Forest Land/Fire Hazard, Geologic/Seismic, Growth Inducing, Landuse, Minerals, Noise, Population/Housing Balance, Public Services, Recreation/Parks, Schools/Universities, Septic System, Sewer Capacity, Soil Erosion/Compaction/Grading, Solid Waste, Toxic/Hazardous, Traffic/Circulation, Vegetation, Water Quality, Water Supply, Wetland/Riparian

3/6/2017

CEQAnet - Oppenheimer Pavilion and Agricultural Event Center Project

Reviewing Agencies (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

Resources Agency; Department of Fish and Wildlife, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; Public Utilities Commission

Date Received: 2/16/2017 **Start of Review:** 2/16/2017 **End of Review:** 3/17/2017

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1.1

**1. Response to: State of California Governor's Office of Planning and Research
State Clearinghouse and Planning Unit (MND Received February 16, 2017)**

- 1.1 The University notes the State Clearinghouse and Planning Unit's receipt of the Initial Study/Mitigated Negative Declaration.



SANTA YNEZ BAND OF MISSION INDIANS
Tribal Elders Council

February 27, 2017

Julie Hawkins, Campus Planner
Facilities Planning & Capital Projects
Building 70
Cal Poly State University
San Luis Obispo, Calif. 93407

Re: Request to consult and comment
Oppenheimer Pavilion & Agricultural Event Center Project

Ms. Hawkins,

The SYBCI Elders Council have received and reviewed the notice for the above named project for comment.

2.1

The Elders Council would like to make the following request for information. Have there been any cultural/archaeological surveys of the area, other than just a record search/pedestrian survey?

2.2

If a cultural survey (subsurface testing) has taken place, can the SYBCI Elders Council receive a copy of the results from that survey?

However, if the answer to these questions are a no, then the SYBCI Elders Council recommends that an XPI survey of all areas where ground disturbance will occur be completed and include Native American monitoring.

The SYBCI Elders Council would specifically request that all development envelopes, utility corridors, and roadways be tested for the absence or presence of any cultural material.

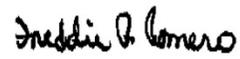
2.3

As you may or may not know, Hwy 1, this specific corridor was used extensively in the past by the Chumash people as a trade and ceremonial travel route to the coast. With many recorded cultural sites along this corridor, not to mention well known ceremonial and sacred sites, not to complete this process, becomes a real concern for the Elders Council.

It is for the reasons named above that the SYBCI Elder Council request that this study take place.

If you should have any questions, feel free to contact Freddie Romero @805-688-7997 or by email @ freddyromero1959@yahoo.com.

Sincerely,



Freddie R. Romero
Cultural Resources Coordinator
SYBCI Elders Council

2. Response to: Santa Ynez Band of Mission Indians Tribal Elders Council (Letter dated February 27, 2017)

- 2.1 The University appreciates receipt of comments and opportunity to discuss the Tribal Elders Council's comments and concerns.
- 2.2 The proposed Mitigated Negative Declaration determination was identified based on an assessment of the project site, including a records search, and a pedestrian survey. The University acknowledges that the project site is located in an area identified by the Tribal Elders Council as a known, well-traveled corridor used by the Indigenous people who pre-historically and historically inhabited the area. As documented in Initial Study Section V. Cultural Resources and Section XVII Tribal Cultural Resources, a previously identified prehistoric archaeological site, CA-SLO-2280, is located within the Phase 2 project area. The site consists of a marine shell and flaked stone scatter located within a landscaped garden area. At the time of its original documentation, site constituents included multiple varieties marine shell and a Monterey chert biface. The site is located in a developed area and has been subject to extensive historic and modern disturbance from the original construction of the Ornamental Horticultural Unit and associated landscaping. The cultural deposit is situated in a secondary context and does not appear to retain integrity. Prehistoric site CA-SLO-2280 has not been evaluated for the California Register of Historical Places. Given the conceptual nature of the proposed project, specific project-related impacts to CA-SLO-2280 associated with proposed ground-disturbing activities and final site design that may occur during project implementation are unknown at this time. The Initial Study notes that physical disturbance within the identified CA-SLO-2280 site boundary should be avoided. Additionally, archaeological monitoring shall occur during ground disturbing activities to avoid potential impacts to CA-SLO-2280. Therefore, impacts are expected to be less than significant with implementation of Mitigation Measures CR-2 through CR-5.

The Initial Study also recognizes the possibility for previously unidentified archaeological resources to be present within the project area and the potential for impacts to unknown resources to occur. Mitigation has been included in the Initial Study that would require the University to retain a qualified archaeological monitor and a Chumash representative to be present during initial vegetation clearing, site "grubbing," and grading in previously undisturbed project areas for each project phase. Prior to issuance of grading and construction permits, an Archaeological Monitoring Plan shall be prepared by a qualified archaeologist. Mitigation Measure CR-3 requires that, in the event unknown archaeological resources are exposed or unearthed during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find. If the archaeologist determines that the resource is an "historic resource" or "unique archaeological resource" as defined by California Environmental Quality Act Guidelines Section 15064.5 and avoidance is not feasible, further evaluation by the archaeologist shall occur. The archaeologist's recommendations for further evaluation may include a Phase II testing and evaluation program to assess the significance of the site. Impacts to sites found to be significant shall be mitigated through implementation of a Phase III data recovery program. After the find has been appropriately mitigated, work in the area may resume. A Chumash representative shall monitor any mitigation work associated with prehistoric cultural material. Therefore, potential impacts to previously unidentified archaeological resources are anticipated to be avoided and reduced to less than significant through implementation of Mitigation Measures CR-2 through CR-5.

Therefore, based on the requirements identified in Cultural Resources Mitigation Measures, no currently unknown archaeological resources would be adversely affected by the proposed project, because any observed resources would be documented by a qualified archaeologist accompanied by a Chumash representative, and mitigation protocol would follow depending on the finding. As the project site presents limited visibility due to existing groundcover (proposed to be removed as part of the project), it is reasonable in this situation to disclose that the project may result in potentially significant impacts to archaeological resources, and that further evaluation is warranted following changes to the site (i.e. vegetation removal, grubbing) that would allow for greater visibility within areas proposed for disturbance. The University acknowledges that in the event of a discovery, "all earth disturbing work

within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find” (see Mitigation Measure CR-2). Such evaluation may include a Phase II testing and evaluation program, and identified mitigation includes Phase III data recovery, which is an acceptable mitigation measure pursuant to State CEQA Guidelines 15126.4 Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects. For these reasons, the Initial Study / Mitigated Negative Declaration identifies this impact as “less than significant with mitigation incorporated”.

- 2.3 California State University has considered the Tribal Elders Council’s request for an Extended Phase I survey of the project area, and determined that the mitigation measures identified in the Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program would adequately mitigate identified potentially significant impacts to archaeological resources to less than significant because: 1) the project would avoid a significant archaeological resource identified in the project area; 2) if an Extended Phase I survey were to be conducted prior to vegetation removal as requested by the commenter, the identification of potential scrape and/or shovel test pits would not be based on evidence of surface resources, and subsurface investigations may not provide accurate results regarding the presence or absence of cultural resources; 3) archaeological monitoring conducted by a qualified archaeologist and Native American representative would occur during initial vegetation clearing, site grubbing, and grading, which would allow for the documentation and analysis of any discovered resources (with the benefit of removed ground cover to enable visibility of potential resources); 4) based on the results of the archaeological monitoring, if evidence of cultural materials is noted, avoidance of the resource will be assessed by the University, and if avoidance is not feasible, further evaluation of any discovered resources would occur, which would be based on such evidence as documented by the qualified archaeologist and Native American representative; 5) such evaluation may include a Phase II testing and evaluation program and/or Phase III data recovery, which is an acceptable mitigation measure pursuant to State CEQA Guidelines 15126.4 Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects. The archaeological monitoring reports and any documentation related to further study will be available to the Tribal Elders Council.



Central Coast Regional Water Quality Control Board

March 15, 2017

Julie Hawkins
AICP, Campus Planner
California Polytechnic State University
Facilities and Capital Projects, Building 70
San Luis Obispo, CA 93407
Email: jkhawkin@calpoly.edu

Dear Ms. Hawkins:

CENTRAL COAST WATER BOARD STAFF COMMENTS ON THE INITIAL STUDY / MITIGATED NEGATIVE DECLARATION FOR THE OPPENHEIMER PAVILION AND AGRICULTURAL EVENT CENTER PROJECT, SAN LUIS OBISPO COUNTY, SCH NO. 2017021037

Central Coast Water Board staff has reviewed components of the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Oppenheimer Pavilion and Agricultural Event Center Project (Project). Central Coast Water Board staff review focused on impacts to waters of the State. Central Coast Water Board staff may have additional comments during future permitting of the Project, as more Project details become available.

Central Coast Water Board staff understands that the proposed Project involves improvements to the equine center, environmental horticultural sciences, beef unit, and crops unit areas on campus through a phased project approach, as follows:

- Phase 1 (Equestrian Pavilion, Foaling Barn, Stallion Barn)
Phase 2 (Equestrian Pavilion, Animal Health Center, New Storage Building)
Phase 3 (Agricultural Event Center)
Phase 4 (Crop Sciences)

Dredge and/or Fill in Waters of the State

The Initial Study at Page 45 in the Biological Resources section and at Page 65 in the Hydrology/Water Quality section states that there are three locations where the proposed Project could encroach on jurisdictional areas and trigger the need for Clean Water Act permitting, as follows:

- The proposed southeastern detention basin in the Phase 1 area encroaches on USACE jurisdictional wetlands and riparian habitat of Smith Reservoir.
The proposed Phase 1 fill area that is situated between Shepard and Smith Reservoirs encroaches on USACE jurisdictional wetlands of Shepard Reservoir.
The proposed bridge crossing over Drum Reservoir drainage has the potential to impact CDFW and RWQCB jurisdictions of the Drum Reservoir drainage.

3.1

3.2

DR. JEAN-PIERRE WOLFF, CHAIR | JOHN M. ROBERTSON, EXECUTIVE OFFICER

895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401 | www.waterboards.ca.gov/centralcoast



The Initial Study further states that these impacts are all avoidable through the implementation of project design changes, as follows:

- The proposed southeastern detention basin in the Phase 1 area could be relocated to the northeast and outside of jurisdictional boundaries.
- The outer extent of the proposed fill area at the proposed Phase 1 area situated between Shephard and Smith Reservoirs could be limited to an area that does not encroach on jurisdictional boundaries.
- The bridge crossing could be designed to avoid ground-disturbing activities within the banks of the drainage.

The Initial Study states that the proposed Project "should" be constructed to avoid impacts to these jurisdictional water features. However, the Initial Study does not verify these avoidance measures will be implemented. The Initial Study should make clear that the University will implement these avoidance measures. Central Coast Water Board staff requires that avoidance measures be implemented to the maximum extent practicable when issuing Clean Water Action section 401 Water Quality Certifications.

We encourage you to contact Central Coast Water Board staff as early as possible for a pre-application review of the Project to avoid permitting delays and the potential need for alteration of Project plans. If we may clarify any of our comments or be of further assistance, please contact **Paula Richter** at (805) 549-3865, or via email at Paula.Richter@waterboards.ca.gov, or Phil Hammer at (805) 549-3882.

Sincerely,



Digitally signed by Phillip Hammer
Date: 2017.03.15 10:16:44 -07'00'

for
John M. Robertson
Executive Officer

3.2
cont'd

3. Response to: Central Coast Regional Water Quality Control Board (Letter dated March 15, 2017)

- 3.1 Commenter states that Central Coast Water Board staff have reviewed portions of the IS/MND and summarizes the proposed improvements associated with the proposed project.
- 3.2 The commenter summarizes the following three locations identified in the IS/MND where the proposed project could encroach on jurisdictional areas and trigger the need for Clean Water Act permitting. The commenter notes that the Initial Study states that these impacts are all avoidable through the implementation of proposed avoidance measures that would require project design changes. The commenter states that the proposed project should clarify that the University will implement the proposed avoidance measures to avoid triggering the need for Clean Water Act permitting and states that Central Coast Water Board staff requires that avoidance measures be implemented to the maximum extent practicable when issuing Clean Water Act section 401 Water Quality Certifications.

At the time the IS/MND was prepared, 100% design plans for the project had not yet been finalized. For this reason, the IS/MND included language that identified potential methods for avoiding triggering the need for Clean Water Act permitting as well as mitigation measures that would be implemented if avoidance was determined to be infeasible based on final project design plans. Therefore, if impacts triggering the need for Clean Water Act permitting cannot be avoided, the following mitigation measures included in the IS/MND would be implemented, thereby ensuring that all necessary permit requirements shall be met:

- BR-1 Prior to construction of the proposed bridge over the Drumm Reservoir drainage, the University shall prepare project specific plans for the bridge crossing. If the bridge crossing requires any earthwork within the banks of the drainage, the University shall enter into a Streambed Alteration Agreement with CDFW and obtain a Waste Discharge Requirement authorization from RWQCB. If the bridge project spans the banks of the drainage and avoids all ground disturbing activities between the drainage banks, regulatory permitting may not be necessary.
- BR-2 Prior to construction, the University should design the proposed south eastern detention basin and the proposed fill area in Phase 1 of the project to avoid the jurisdictional boundaries of Shepard and Smith reservoirs. Avoidance of the jurisdictional areas can be achieved by shifting the detention basin to the northeast so that it is outside of the riparian boundary of Smith Reservoir and ensuring that the proposed fill around Shepard Reservoir does not extend north of the Shepard Reservoir access road. If these design changes are not feasible, the University shall coordinate with CDFW, USACE, and RWQCB to obtain the appropriate permits for direct impacts to the jurisdictional features.

Based on the information provided, no changes to the IS/MND are considered necessary. The University shall consult with Central Coast Water Board staff for a pre-application review if any Clean Water Act permits are determined to be necessary.



Air Pollution Control District
San Luis Obispo County

March 16, 2017

Jacqueline McCrory
SWCA Environmental Consultants
1422 Monterey Street Suite C200
San Luis Obispo, CA 93401

SUBJECT: APCD Comments regarding the Cal Poly Oppenheimer Pavilion and Ag Event Center

Dear Ms. McCrory:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at Grand Ave. in San Luis Obispo.

The project, as proposed, includes improvements to the on campus equine center, environmental horticultural sciences, beef unit, and crops unit areas through a phased project approach. Proposed project components include demolition of existing structures, upgrades to existing structures, as well as the development of new facilities including a new agricultural event center. The project also includes associated improvements such as utilities, detention basins for surface water control, landscaping, and access roads for circulation. The project consists of four project phases; Phase 1 (equestrian pavilion, foaling barn, stallion barn), Phase 2 (equestrian pavilion, animal health center, new storage building), Phase 3 (agriculture event center), and Phase 4 (crop sciences).

4.1

The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

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

SPECIFIC COMMENTS

Page 30 – The units are incorrect on Table 5. The table show annual emissions; therefore, the units should be ton/year not lbs/day. **This should be corrected.**

4.2

Page 32 and 33: In addition to the fugitive dust control measures outline in AQ-1, SLOAPCD recommends adding the following mitigation measure to the list:

- 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;

4.3

Page 33: SLOAPCD CEQA Handbook recommends **no** idling within 1,000 feet of a sensitive receptor and staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.

To help reduce sensitive receptor emissions impact of diesel vehicles and equipment, SLOAPCD recommends the applicant implement the following idling control techniques in addition to measures outlined in initial study. It should be noted these measures would be applicable to vehicles used for either construction or during operational activities.

1. California Diesel Idling Regulations for on-road diesel vehicles was addressed in AQ-7. However, the following would apply to off road diesel equipment
 - a. **Off-road diesel equipment** shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation.
 - b. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.
 - c. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/factsheet.pdf and www.arb.ca.gov/regact/2007/ordiesl07/froal.pdf.

4.4

AND

2. Diesel Idling Restrictions Near Sensitive Receptors

In addition to the state required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

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

Truck Routing

Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors. If the project has significant truck trips where hauling/truck trips are routine activity and operate in close proximity to sensitive receptors, toxic risk needs to be evaluated.

4.5

Page 34, AQ-4: As indicated in AQ-4, if the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. Please note this **may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. SLOAPCD recommends this additional requirement be added to the mitigation measure to ensure compliance.**

4.6

Page 34, AQ-5 – in addition to operational permits, **construction related permits may also be required for the project. SLOAPCD recommends the following verbiage be added to the mitigation measures for construction activities.**

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and,
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

4.7

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.

Page 34, AQ-6- For clarification on lead abatement **SLOAPCD recommends the following be included in AQ-6.**

Depending on removal method, an APCD permit may be required. Contact the APCD Engineering & Compliance Division at (805) 781-5912 for more information. For additional information regarding lead abatement, contact the San Luis Obispo County Environmental Health Department at (805) 781-5544 or Cal-OSHA at (818) 901-5403. Additional information can also be found online at www.epa.gov/lead.

4.8

In addition to the measure outline on pages 32-34 SLOAPCD recommends the following items be added to the mitigation measures.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the APCD Engineering & Compliance Division at (805) 781-5912.

4.9

Unpaved roads – The Initial Study indicates portions of the project area are accessed by unpaved roads and driveways. Dust from unpaved road can be a nuisance and could potential generate fugitive PM 10 emissions in exceed of the SLOAPCD threshold depending on the length of the unpaved road and the number of trips on the unpaved roadway. It does not appear that potential dust from unpaved road was included in the operational emissions for the project. **SLOAPCD recommends the dust from unpaved road be quantified and compared to the PM10 threshold.** A screening table is available on the SLOAPCD website to help with this calculation (see <http://www.slocleanair.org/rules-regulations/land-use-ceqa.php>).

If PM10 exceeds the SLOAPCD threshold the following mitigation measure for the unpaved roadways is recommended.

Mitigate the Unpaved Access Roads/Driveways/Parking Areas by implement one of the following:

- a. For the life of the project, pave and maintain the roads, driveways, and/or parking areas; or,
- b. For the life of the project, maintain the unpaved roads, driveways, and/or parking areas with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60-minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
- c. Also, to improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

The applicant may propose other measures of equal effectiveness as replacements by contacting the APCD's Planning, Monitoring & Outreach Division at (805) 781-4667.

The following mitigation would apply to special events if access to those special event is via an unpaved road.

On the day(s) of a special event:

- a. Any unpaved site (access road(s)/driveway(s)) that will be used for the special event shall be maintained with an APCD-approved dust suppressant (see Technical Appendix 4.3 of the APCD's CEQA Handbook) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60-minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
- b. Designated parking locations shall be:
 1. Paved when possible;
 2. Planted and maintained with fast germinating non-invasive grass or low cut dense vegetation; or,
 3. Maintained with a dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit or create nuisance.

General site design:

To improve the dust suppressant's efficacy during and between events, the applicant shall also implement and maintain design standards to ensure vehicles that use on-site unpaved roads are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

4.9
cont'd

4.10

If the project's access involves a city or county owned and maintained road, the applicant shall work with the applicable Public Works Department to ensure that the mitigation follows the agency's road standards for that section of road. The applicant may propose alternative measures of equal effectiveness by contacting the APCD's Planning, Monitoring & Outreach Division at (805) 781-4667.

4.10
cont'd

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-4667.

Sincerely,



Melissa Guise
Air Quality Specialist

MAG/ihs

cc: Julie Hawkins, Facilities Planning and Capital Projects

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4. Response to: San Luis Obispo County Air Pollution Control District (Letter dated March 16, 2017)

- 4.1 This general comment introduces the scope of SLOAPCD's review of the IS/MND and does not include any comments specific to the IS/MND; no further response is necessary.
- 4.2 This comment states that the units are incorrect on Table 5 and suggests that the units be tons/year not lbs/day. Non-substantive edits have been made to Table 5 have been added to the Final IS/MND to match the language provided by the SLOAPCD.
- 4.3 This comment recommends that, in addition to the fugitive dust control measures outlined in AQ-1, that additional mitigation related to seeding exposed ground areas be incorporated. Non-substantive edits have been made to AQ-1 have been added to the Final IS/MND to match the language provided by the SLOAPCD.
- 4.4 This comment identifies SLOAPCD's standard diesel idling control measures to reduce construction emissions and reduce potential public health impacts on proximate sensitive receptors. The IS/MND included these measures in Mitigation Measure AQ-2. Non-substantive edits to this measure have been added to the Final IS/MND to match the language provided by the SLOAPCD.
- 4.5 This comment states that proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other receptors. If the project has significant truck trips where hauling/truck trips are routine activity and operate in close proximity, this comment states that toxic risk needs to be evaluated. The project does not propose hauling/truck trips as a routine activity. Although no significant impact is expected to occur as a result of hauling/truck trips, the evaluation of proposed truck routes during construction has been added to Mitigation Measure AQ-2 to further reduce the potential effects of the project.
- 4.6 The project site is within an area with the potential to contain Naturally Occurring Asbestos. Therefore, the IS/MND included mitigation measures to ensure compliance with the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (see Mitigation Measures AQ-4 and AQ-5). These measures require that prior to any construction activities at the site, a geologic evaluation will be conducted to determine if the area disturbed is exempt from the ATCM. If exempt, the measures require the University to file an exemption request with the SLOAPCD. If not exempt, the measures require compliance with the requirements outlined in the ATCM.
- 4.7 This comment states that portable construction equipment used for project construction may require California statewide portable equipment registration or an APCD permit. Mitigation Measure AQ-6 requires that prior to ground disturbance and construction, the Construction Contractor shall obtain all required permits for the use of portable equipment, 50 horsepower or greater, from the SLOAPCD.
- 4.8 This comment states that, in addition to operational permits, construction-related permits may also be required for the project. The commenter recommends additional verbiage be added to the mitigation measures for construction activities. The IS/MND has been revised to include this mitigation language pertaining to construction-related permits in new Mitigation Measure AQ-5.
- 4.9 This comment identifies SLOAPCD's standard lead abatement measures to reduce impacts associated with lead during demolition and construction. Non-substantive edits to this measure (Mitigation Measure AQ-8) have been added to the Final IS/MND to match the language provided by the SLOAPCD.
- 4.10 This comment requests that, in addition to the existing mitigation measures, the additional measures provided related to developmental burning and PM₁₀ emissions associated with vehicles travelling on unpaved roads, be included in the IS/MND. Responses pertaining to each of the subject areas are provided below.

Developmental Burning

No developmental burning is proposed; the SLOAPCD's prohibition of developmental burning of vegetative materials within San Luis Obispo County is noted in Mitigation Measure AQ-1.

Unpaved Roads

This comment recommends that dust from unpaved roads be quantified and compared to the PM₁₀ threshold. As discussed on page 19 of the Air Quality and Greenhouse House Impact Assessment prepared for this project (included as Appendix B to the IS/MND), implementation of the proposed project would result in the generation of fugitive PM emitted during construction. Fugitive PM emissions were identified as being "primarily associated with earth-moving, demolition, and material handling activities, as well as, vehicle travel on unpaved and paved surfaces." Quantified operational emissions included fugitive PM emissions associated with vehicle travel on unpaved surfaces and unmitigated fugitive dust emissions were well below the SLOAPCD thresholds for construction and operational emissions. As discussed in the IS/MND and in the Air Quality and Greenhouse House Impact Assessment prepared for this project, implementation of the proposed project would not exceed the SLOAPCD threshold for PM₁₀. All unpaved roads would be enforced with decomposed granite or class II or III road base material, access to these unpaved roads would be restricted via access gates, and speeds on unpaved roads would be restricted to 15 mph or less. The decomposed granite or class II or III road base material would be maintained as necessary. Additionally, the IS/MND already includes dust control measures for unpaved surfaces (refer to AQ-1). Non-substantive revisions have been made to Mitigation Measure AQ-1 to ensure unpaved roads are enforced with an appropriate road base material and maintained as necessary, and to ensure vehicle speeds on unpaved roads are limited to 15 mph or less to reduce dust generations. For these reasons, the additional mitigation measures recommended by the commenter to "Mitigate the Unpaved Access Roads/Driveways/Parking Areas" were determined to be unnecessary for the proposed project.

This comment recommends additional mitigation be included that would apply to special events that require access via unpaved roads. This mitigation has been included as new Mitigation Measure AQ-12. This comment also includes a recommendation for general site design that includes implementing and maintaining design standards to ensure vehicles that use on-site unpaved roads are physically limited (e.g. speed bumps) to a posted speed limit of 15 mph or less. As discussed above, access to and use of unpaved roads would be restricted via access gates and speeds would already be limited to 15 mph through existing mitigation. Because these roads would be unpaved and access and speeds would be limited, physical limitations such as speed bumps on unpaved roads are not considered necessary for this project. Therefore, this recommended measure has not been incorporated into the IS/MND.

This comment also recommends that, if the project's access involves a city or county owned and maintained road, the applicant work with the applicable Public Works Department to ensure that mitigation follows the agency's road standards for that section of road. As discussed in Section XVI Transportation/Traffic of the Initial Study, project construction would add trips to campus and City roadways in the project vicinity through the duration of construction activities, including haul trips, worker trips, material delivery trips, and heavy equipment trips. This minimal level of trip generation would not have an adverse effect on traffic operations or increase congestion on area roadways in the long-term. Therefore, potential impacts related to construction would be less than significant. The proposed project could generate substantial trips associated with special events; however, the project includes preparation and implementation of a Travel Demand Management (TDM) Plan to ensure operational traffic associated with the recurring special events does not exceed 100 trips during the peak hour of adjacent streets. The TDM Plan shall be prepared prior to, and implemented during, operation of Phase 3. Implementation of proposed TDM plan would provide travel options to attendees as well as minimize the number of vehicle trips associated with special events at the Agricultural Event Center and would ensure operational traffic associated with the recurring special events does not exceed 100 trips during the peak hour of adjacent streets. Therefore, impacts would be less than significant. No additional comments related to transportation/traffic were received during the public comment period; therefore,

the impact analysis and proposed TDM plan are considered adequate and no additional revisions to the IS/MND are necessary.



Community Development

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March 17, 2017

Jacqueline McCrory
SWCA Environmental Consultants
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401

SUBJECT: City of San Luis Obispo comments on the Initial Study/Mitigated Negative Declaration for the Oppenheimer Pavilion and Agricultural Event Center Project

This letter serves as the City of San Luis Obispo's comment letter on the above referenced Initial Study/Mitigated Negative Declaration (IS/MND). Comments are provided below which note deficiencies in the evaluation of the impact analysis in the areas of Utilities Service Systems and Cultural Resources.

5.1

Section XVIII – Utilities and Service Systems

The project proposes over 317,000 square feet of development, over four phases, on over 25 acres; however, no quantitative projection is made for the project's water demand or wastewater generation. Section XVIII, Utilities and Service Systems, states: *"the proposed project is expected to have a zero net increase in potable water demand across all project phases."* As the City provides water treatment and wastewater collection and treatment to Cal Poly, more information on potable water demand and wastewater generation is needed. Cal Poly uses untreated water from the City and ground water for irrigation, what is characterized in the IS/MND as less water consumption than existing water demand of the irrigated fields may result in additional demand for treated potable water and additional wastewater generation than current uses proposed for removal as part of the project.

5.2

The following quote from Section XVIII, Utilities and Service Systems, contains incorrect information. *"The University's water is derived from three primary sources: Whale Rock Reservoir, Salinas Reservoir (also called Santa Margarita Lake), and local groundwater."* This should be corrected to state: *"The University's water is derived from the City of San Luis Obispo and local groundwater."*

Please contact Utilities Project Manager, Jennifer Metz at 805-781-7239 or by e-mail: jmetz@slocity.org

Section V - Cultural Resources

The proposed demolition of the Mare Barn should be accurately characterized as a Potentially Significant Impact. The Architectural Resource Evaluation Scoping Report (Appendix D), prepared by Historian Paula Carr, finds the Cal Poly Equine Center (Mare Barn) retains integrity and qualifies for the California Register of Historic Resources as a significant surviving resource from the beginnings of equestrian science on the Cal Poly Campus. The Mare Barn therefore was found to qualify as a historic resource for the purpose of CEQA. While the proposed mitigations which include saving the distinctive cupola feature and iron gate prior to demolition, may reduce impacts¹, the proposed demolition of the Mare Barn (Historic Resource under CEQA) would not be mitigated to less than significant levels and would result in potentially significant impacts, triggering preparation of an Environmental Impact Report (EIR)².

5.3

Recommendation

As an already relocated building, the historic evaluation appended to the initial study recommends retaining the structure and relocating it to a featured location on the facility grounds where it could be adaptively reused and commemorated with a permanent interpretive exhibit.

The City requests to continue to be notified/consulted on further project review such as any significant project modifications, environmental review, and upcoming hearings.

5.4

Please feel free to contact me if you have any questions or would like to arrange a meeting. I can be contacted by phone at 805-781-7166, or by e-mail: bleveille@slocity.org

Sincerely,



Brian Leveille, AICP

Senior Planner

Long Range Planning

City of San Luis Obispo, Community Development Department

¹ See League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland. Documentation and commemorative plaque, and new building design reflecting elements of the demolished building were found inadequate to reduce impacts to the physical destruction of the building.

² CEQA Section 21084.1: A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. Substantial Adverse change defined as demolition, destruction, relocation, or alteration of activities that would impair the significance of a historic resource.

City of San Luis Obispo IS/MND comments
Oppenheimer Pavilion and Agricultural Event Center

CC: San Luis Obispo City Council
Michael Codron, Community Development Director
Xzandrea Fowler, Deputy Director of Community Development
Tim Bochum, Deputy Director of Public Works
Jake Hudson, Traffic Operations Manager
Hal Hannula, Supervising Civil Engineer
Roger Maggio, Fire Marshal

5. Response to: City of San Luis Obispo Community Development Department (Letter dated March 17, 2017)

5.1 This general comment introduces the scope of City's review of the IS/MND and does not include any comments specific to the IS/MND; no further response is necessary.

5.2 This comment addresses the proposed 317,000 square feet of proposed development over four phases on over 25 acres and states that no quantitative projection is made for the project's water demand or wastewater generation. The comment states that, because the City provides water treatment and wastewater collection and treatment to Cal Poly, more information on potable water demand and wastewater generation is needed. Additionally, this comment requests that the following quote from Section XVIII, Utilities and Service Systems, "The University's water is derived from three primary sources: Whale Rock Reservoir, Salinas Reservoir (also called Santa Margarita Lake), and local groundwater." be corrected to state "The University's water is derived from the City of San Luis Obispo and local groundwater."

The IS/MND accurately states that the "University's water is derived from three primary sources: Whale Rock Reservoir, Salinas Reservoir (also called Santa Margarita Lake), and local groundwater. Water from the two reservoirs is delivered by the City of San Luis Obispo; local groundwater is provided via six agricultural wells owned and operated by the University." Therefore, no change to this statement is necessary.

Non-substantive edits to Checklist items a, b, and e, and d have been added to the Final IS/MND to provide a more thorough description of water supply and wastewater demand associated with the proposed project in response to the City's request for additional information.

5.3 This comment states that the proposed demolition of the Mare Barn should be accurately characterized as a Potentially Significant Impact and recommends retaining the structure and relocating it to a featured location on the facility grounds where it could be adaptively reused and commemorated with a permanent interpretive exhibit.

As discussed in Section V Cultural Resources, and in the Architectural Resource Evaluation Scoping Report (included in Appendix D to the IS/MND), Building No. 032C - the Equine Center Mare Barn, meets one of the four criteria for listing in the California Register of Historical Resources and therefore constitutes a historical resource for the purpose of CEQA. The Mare Barn, constructed in 1940, is eligible under Criterion 1: "Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States". The Mare Barn demonstrates its eligibility through its strong association with California Polytechnic School's Thoroughbred Breeding Program, inaugurated in 1940 under President Julian McPhee; its association with the School's curriculum emphasizing vocational "learn by doing" training; and its strong association with pari-mutuel wagering, the School's primary source of funding in the years 1940-1942. These years also mark the transition of the School from a strictly vocational training institution to a college authorized to confer the Bachelor of Science degree in specific areas. The period of significance is therefore 1940-1942, and the footprint of the building is the boundary of the historical resource.

The Architectural Resource Evaluation Scoping Report (included in Appendix D to the IS/MND) stated that, as an already relocated building, the Mare Barn could be retained and moved again to a featured location on the Oppenheimer Equestrian Facility grounds, where it might be adaptively reused and commemorated with a permanent interpretive exhibit. The Architectural Resource Evaluation Scoping Report also included recommendations if relocation was determined to not be feasible. The University considered relocation as a potential option for mitigation; however, based on the existing physical condition of the Mare Barn (compromised structural integrity, absence of foundation, and presence of asbestos), the University did not consider relocation a viable option.

The IS/MND identifies the demolition of the Mare Barn as a potentially significant impact and includes appropriate mitigation for reducing the potential impact (interior and exterior documentation, photographic record, preservation of the student-crafted distinctive cupola and iron gate features, and in-depth interviews). The cupola shall be repurposed as an interpretive exhibit within the Equine Unit or Environmental Horticultural Science Unit on campus, emphasizing the history of vocational “learn by doing” training; and its strong association with pari-mutuel wagering, the School’s primary source of funding in the years 1940-1942. Proposed mitigation is considered sufficient for reducing the potential impacts associated with demolishing the Mare Barn. Impacts are considered less than significant with mitigation and no additional changes to this impact analysis or mitigation are necessary.

- 5.4 This comment requests that the City continue to be notified/consulted on further project review such as any significant project modification, environmental review, and upcoming hearings. The University shall continue to notify and consult with the City on any further project review.

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