Appendix J

Draft EIR Comment Letters

State

December 23, 2019

VIA MAIL & EMAIL

Mr. Jeffrey Dumars, Associate Director of Environmental & Space Planning
Facilities Management and Development
Cal Poly
1 Grand Avenue
San Luis Obispo, California 93407

Dear Mr. Dumars:

DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) CAL POLY 2035 MASTER PLAN

The Division of Oil, Gas, and Geothermal Resources (Division) appreciates the opportunity to submit comments on the project referenced above (Project), received December 19, 2019.

The Division's authority is set forth in Division 3 of the Public Resources Code (PRC), and Title 14 of the California Code of Regulations (CCR). PRC § 3208.1 establishes well re-abandonment responsibility when a previously plugged and abandoned well may be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, or geothermal wells.

The Division has reviewed the Project location, as depicted on Figure 2-1 of the Draft EIR. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following information.

S1-1

Our records indicate there are no known oil wells located where the Project is proposed. For comment and well review for future proposed development in areas where wells are located please contact the Division. Records and locations for oil, gas, and geothermal wells located in California are available online at https://www.conservation.ca.gov/dog/Pages/WellFinder.aspx

S1-2

The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding

S1-3

infrastructure. Items that can affect well access include, but are not limited to, buildings, housing, fencing, hardscape, landscape, trees, pools, patios, sidewalks, roadways, parking lots, waterways or channels, and decking. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access.

There are no guarantees a well abandoned in compliance with current Division requirements will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current standards have a lower probability of leaking in the future, however there is no guarantee that such abandonments will not leak.

The Division advises that all wells identified on development parcels prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately.

PRC § 3208.1 gives the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Failure to plug and re-abandon a well may result in enforcement action, including an order to perform re-abandonment well work, pursuant to PRC § 3208.1, and 3224. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

S1-3 cont.

1. **The property owner** - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

2. **The person or entity causing construction over or near the well** - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

3. **The party or parties responsible for disturbing the integrity of the abandonment** - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the re-abandonment.

To view PRC § 3208.1 in its entirety, please visit:
https://www.conservation.ca.gov/index/Documents/DOGGR-SR-1%20Web%20Copy.pdf

No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring written approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other abandonment or re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e., casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start.

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

S1-3 cont.

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding any identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.

2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has jurisdictional authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources, damage to underground oil, gas, and geothermal deposits, and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC § 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC § 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

December 23, 2019
Jeffrey Dumars, Associate Director of Environmental & Space Planning
Cal Poly

If during development activities any wells are encountered that were not part of this review, a Division engineer in the Coastal District - Orcutt office is to be notified immediately, and an amended site plan with well casing diagrams for Division review shall be filed. After appropriate review, the District office will send a follow-up well evaluation letter to the property owner, applicant, and local permitting agency. S1-4

Thank you for considering the Division's comments. If you have any questions, please contact our District office at (805) 937-7246 or via email at DOGGRCoastal@conservation.ca.gov.

Sincerely,

For PAAbel

Patricia A. Abel
Coastal District Deputy

JM:ks

cc: Chrono
environmentalplanning@calpoly.edu

Letter
S2

Department of Toxic Substances Control

Jared Blumenfeld
Secretary for
Environmental Protection

Meredith Williams, Ph.D.
Acting Director
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Gavin Newsom
Governor

January 3, 2020

Mr. Jeffrey Dumars
California State Polytechnic University,
San Luis Obispo
1 Grand Avenue
San Luis Obispo, California 93407

DRAFT ENVIRONMENTAL IMPACT REPORT FOR CAL POLY 2035 MASTER PLAN – DATED DECEMBER 2019
(STATE CLEARINGHOUSE NUMBER: 2016101003)

Dear Mr. Dumars:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for the Cal Poly 2035 Master Plan.

The 2035 Master Plan project would include approximately 7,200 new student housing bedrooms; an additional 1.29 million gross square feet (gsf) of academic, administrative, and support space; 380 residential units; and a 200-unit university-based retirement community. In addition, 455,000 gsf of existing academic, administrative, and support space would be redeveloped and replaced with new facilities. The 2035 Master Plan proposes circulation infrastructure improvements to provide for the safe and efficient movement of pedestrians, bicycles, and vehicles around campus, while also encouraging a more complete shift to an active transportation approach. Further, the 2035 Master Plan also proposes improvements to utility infrastructures, such as new water, wastewater, and storm drainage infrastructures. S2-1

DTSC recommends that the following issues be evaluated in the EIR, Hazards and Hazardous Materials section: S2-2

1. The ND should acknowledge the potential for project site activities to result in the release of hazardous wastes/substances. In instances in which releases may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

2. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf). S2-3
3. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf). S2-4
4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf). S2-5
5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf). S2-6

DTSC appreciates the opportunity to review the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc. Additional information regarding voluntary agreements with DTSC can be found at: https://dtsc.ca.gov/brownfields/.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Ms. Lora Jameson, Chief
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Letter S3

Making Conservation a California Way of Life.

February 3, 2020

SLO 1/101
SCH# 2016101003

Jeffrey Dumars, Associate Director
Environmental & Space Planning
Facilities Management and Development
Cal Poly
1 Grand Avenue
San Luis Obispo, CA 93407

COMMENTS FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO (CAL POLY) 2035 MASTER PLAN PROJECT

Dear Mr. Dumars:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the DEIR for the Cal Poly 2035 Master Plan. The master plan estimates approximately 3,188 additional students by 2035 and includes the addition of 7,200 student beds (to house 63% of students on campus); 380 faculty and staff housing units; a 200-unit retirement community; 4,000-seat stadium expansion;1.29 million sq. ft of academic, administrative and support space; bicycle, pedestrian, and transit improvements; and water and wastewater infrastructure improvements.

Caltrans supports planning efforts that are consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with our State partners and local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate inter-regional and local travel. S3-1

Projects that support smart growth principles which include improvements to pedestrian, bicycle, and transit infrastructure (or other key Transportation Demand Strategies) are supported by Caltrans and are consistent with our mission, vision, and goals. To this point, Cal Poly has an excellent opportunity to

increase multi-modal use by improving its internal and external circulation through completion of pedestrian linkages/sidewalks and bicycle infrastructure on and adjacent to the campus. Additionally, the stage is set for Cal Poly to partner with City of San Luis Obispo Transit (SLO Transit) and San Luis Obispo Regional Transit Authority (SLORTA) to improve services to/from and around campus. The proposed master plan would provide a framework over the next few decades to guide campus development, student growth, and meaningful off-site multimodal improvements to address project specific impacts of the student population. With that in mind Caltrans offers the following comments:

S3-1 cont.

Housing

The housing market in San Luis Obispo County, as in most areas of the State, proves itself difficult to balance all the needs of its' residents. A consistent concern is off-campus housing of students in neighborhoods surrounding the campus. This drives a high demand for a limited number of units in the community. The master plan seeks to partially address this by increasing the number of on-campus units by an additional 7,200 beds. The master plan also identifies a few locations on the edges of campus for non-students housing projects. Both residential neighborhoods would not only provide needed housing, but in theory reduce vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions by locating them close to campus and for people who otherwise may have been commuting long distances.

The first proposed residential neighborhood located at Slack Street and Grand Avenue would include 380 residential units to primarily serve faculty and staff with some availability offered to the public. We appreciate the project is providing workforce housing to promote a jobs-housing balance. This will aid in accomplishing local and State goals and is consistent with the Caltrans' *Strategic Management Plan* 2015-2020 and State planning priorities. However, while the master plan does mention that faculty and staff would have priority over the public, there is no discussion of how this will be regulated.

S3-2

The second proposed residential neighborhood is located immediately west of SR 1 between Westmont Avenue and Stenner Creek Road. This neighborhood would serve as a university-based retirement community with approximately 200 senior living units. The community would prioritize Cal Poly retired faculty, staff, and alumni, but would also make some units available to the public. From a mobility, VMT reduction, and access stand point this proposal may not be situated in the best location. The site is roughly a mile from the nearest shopping and services. Mobility can decline as we age and many seniors, even active

ones, stop driving or prefer to walk when there is a viable option. At the proposed site residents will find it difficult to access amenities without the use of a vehicle. The Master Plan should address this issue.

The EIR notes that a portion of the property is currently occupied by the CAL FIRE station and will remain so. However, the EIR does not discuss access to the residential neighborhood. Access to this proposed residential neighborhood is of great interest to Caltrans. As stated in previous correspondence, we do not support intensified use of the CAL FIRE driveway for this purpose as it would add an unsustainable number of trips to an unsignalized intersection with sight distance concerns and impacts to emergency response.

Cal Poly should work with the City of San Luis Obispo on circulation to make a road connection to Westmont Avenue or Stanford Drive as the local street that provides access to the site. Additional discussion regarding access for this proposed residential neighborhood is needed.

S3-2 cont.

Traffic/Transportation

With the passage of Senate Bill (SB) 743, the CEQA Guidelines dictating traffic studies changed from analysis using level of service (LOS) to one of VMT. This is a new method of assessing the traffic impacts of a project that all jurisdictions in California are implementing. We appreciate the VMT study developed for the Master Plan includes many proposed TDM and parking management strategies as mitigation measures. That being said, this programmatic EIR will serve as a foundation for subsequent projects on campus. Caltrans believes the EIR should and can more strongly commit to the mitigations discussed in the VMT report and the transportation section in the EIR. There should be a more robust discussion of which mitigations are realistic, and a timeline for how and when they will be implemented. Additionally, funding sources and partner agencies should be more clearly identified.

Caltrans conceptually supports improvements to the transportation network that reduce VMT and GHG emissions and encourage multimodalism such as reduced headways for transit, limitations on parking to incentivize alternative modes of transportation, a campus shuttle system, improvements to pedestrian and bicycle safety, and access. The VMT report and transportation section of the EIR mentions several potential policies that we highly support and would encourage the Master Plan to detail further and more strongly commit to.

S3-3

Foothill Boulevard Corridor

The Master Plan, and specifically the Foothill Boulevard Corridor, is an opportunity area that Cal Poly, City of San Luis Obispo, and Caltrans should forge a strong partnership on to seek improvements to address the student population impact. The corridor is a major multimodal connector for students; it provides access to campus, off-campus housing, work, and shopping opportunities. A large amount of off-campus housing exists in the Foothill neighborhood and retail and commercial services on Foothill largely cater to the student population. A specific area of concern is the intersection of Santa Rosa Street (SR 1) and Boysen Avenue. Boysen Avenue is an uncontrolled, partially mid-block intersection, that is highly traversed by students (pedestrian and bicyclist). Student traffic crossing Santa Rosa and Boysen to access shopping and services could impact operations with an increase in traffic generated by the expanded student enrollment. Caltrans advocates and believes there is consensus for developing a plan and implementing a grade separated facility for the student need in this vicinity. The SLOCOG RTP identifies bicycle and pedestrian improvements on SR 1 near this location as a needed project, however funding has not been programmed yet. S3-4

Stenner Creek/ West Campus Improvements

The Master Plan indicates the redevelopment of agricultural facilities will take place near the SR 1/ Stenner Creek Road intersection. This is discussed briefly in terms of west campus and the farm stand being improved (page 2-26). To better assess potential impacts to the intersection, we would appreciate further details pertaining to these improvements. In the previous 2035 EIR this area of the campus was going to include a residential neighborhood which would have greatly increased traffic at the SR 1/ Stenner Creek Road intersection. If intensification of use is anticipated on this part of campus, then Cal Poly should consider the expansion of a parallel route to enter the main portions of campus to the southeast. The installation of a traffic signal or roundabout at SR 1/Stenner Creek Road will not be allowed. S3-5

Chorro Valley Trail

In an effort to facilitate pedestrian/ bicycle connectivity locally, Cal Poly should work closely with SLOCOG, the City and County of San Luis Obispo to complete the Chorro Valley Trail. This trail would connect the City of Morro Bay with the City of San Luis Obispo via a grade separated pedestrian/ bicycle trail parallel to SR 1. The County and SLOCOG have adopted a Chorro Valley Trail Plan; S3-6

however, consensus on the alignment of the trail to and through campus has not been reached. The Master Plan should identify a complete alignment for the Chorro Valley Trail through Cal Poly land in coordination with the City and County. A completed trail could help to offset traffic and air quality impacts from the Master Plan and improve internal and external connectivity. S3-6 cont.

Event Venue Expansion

The Master Plan includes a 4,000-seat expansion of Alex Spanos Stadium and the development of new sports fields and sports and recreation facilities implying that the university intends to hold more concerts and sporting events. Cal Poly President Jeff Anderson stated in his June 2019, *A Note from the President* address that "Implementing the Master Plan will allow us to host even more events open to the wider community..."

It is unclear whether these additional events and the trips associated with them were included in the VMT analysis. Traffic impacts from the facility expansions would generate thousands of additional trips in relatively short time periods, and there are no identified policies or programs that would limit the use of these facilities. It is recommended that the Master Plan be updated to include policies and programs which govern the use of these facilities and require advance notification and coordination with Caltrans and City staff to minimize impacts to operations or the road infrastructure. A detailed Traffic Management Plan should be developed as part of the EIR for event traffic handling. Additionally, there may be the need to develop an enhanced transportation conflict analysis at key on- and off- ramp locations along Highway 101 to deal with additional campus events. S3-7

Hydrology

The Master Plan proposes development that could increase flows to Caltrans facilities on SR 1, particularly the Residential Neighborhood directly adjacent to it. Mitigation Measures 3.9-3 of the EIR states, in part:

- *Off-site runoff will not exceed existing flow rates during storm events.*
- *If required to maintain the current flow rate, detention/retention basins will be installed to reduce local increases in runoff, particularly on frequent runoff events (up to 10-year frequency).*

S3-8

These two statements appear contradictory, as one states that runoff will not exceed existing flow rates, and the other that existing flow rates will be maintained only if required. Regardless, development should not increase any flows towards the highway, up to the 100-year frequency.

Permits

Any work within, over, or under the State's ROW, including but not limited to landscaping, landscape maintenance, and utility work, will require an encroachment permit from Caltrans and must be done to our engineering and environmental standards, and at no cost to the State. The conditions of approval and the requirements for the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditioned and requirements. For more information regarding the encroachment permit process, please visit our Encroachment Permit Website at: https://dot.ca.gov/caltrans-near-me/district-5/district-5-programs/d5-encroachment-permits.

S3-9

Caltrans requests to be included in any future public noticing regarding this project to allow us to prepare for and participate in the public process.

We look forward to continued coordination with Cal Poly on this project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 542-4751 or John.Olejnik@dot.ca.gov.

Sincerely,

JOHN J. OLEJNIK, Senior Transportation Planner
Sustainability & Development Review Branch
Caltrans District 5

cc: SLOCOG
City of San Luis Obispo
SLO Transit
SLORTA
APCD
County of San Luis Obispo

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Letter S4

February 3, 2020

Jeffrey Dumars
California State Polytechnic University, San Luis Obispo
1 Grand Avenue
San Luis Obispo, California 93407

Subject: Cal Poly 2035 Master Plan (Project)
Draft Environmental Impact Report (DEIR)
SCH#: 2016101003

Dear Mr. Dumars:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report from the California State Polytechnic University, San Luis Obispo (Cal Poly), for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

S4-1

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statue for all the people of the State (Fish and G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required. Please be advised that issuance of a Lake or Streambed Alteration Agreement (LSAA) (Fish & G. Code, § 1602) or an Incidental Take Permit (ITP) (Fish & G. Code, § 2081(b)) is a discretionary approval that will require the appropriate level of CEQA environmental review to support CDFW's Responsible Agency authority. If inadequate or no environmental review occurs, CDFW will not be able to issue the LSAA or the ITP until CEQA for the project is complete.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts. S4-1 cont.

PROJECT DESCRIPTION SUMMARY

Proponent: California State Polytechnic University, San Luis Obispo

Objective: The proposed Project is a long-range planning document that guides the development and use of campus lands to accommodate growth in student enrollment and in fulfillment of Cal Poly's academic mission. The university anticipates growth in the student body of approximately 200 new students per year on average, for an additional of approximately 3,188 by 2035. The Project provides for the anticipated increase in demand for academic facilities, additional housing on campus, recreation and athletics facilities, and other support facilities and services on campus to accommodate the increase in enrollment at Cal Poly and university needs through 2035.

Development under the Project would include approximately 7,200 new student beds; an additional 1.29 million gross square feet (gsf) of academic, administrative, and support space; 380 residential units intended primarily for faculty/staff with supporting uses (retail and recreational space); and a 200-unit university-based retirement community. In addition, 455,000 gsf of existing academic, administrative, and support

space would be redeveloped and replaced with new facilities. The Project proposes circulation infrastructure improvements, to provide for the safe and efficient movement of pedestrians, bicycles, and vehicles around the Project site, while also encouraging a more complete shift to an active transportation approach. Further, utilities infrastructure improvements, such as new water, wastewater, and storm water drainage infrastructure, are also proposed to accommodate growth under the Project.

Location: Located in San Luis Obispo County, the Project is located at the Cal Poly campus in the City of San Luis Obispo.

Timeframe: Approximately the first 10 years of the Project.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Cal Poly, in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

There are many special-status resources present in and adjacent to the Project area that these resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. CDFW has concerns about the Project-related impacts that could result in activities occurring in close proximity to ponds and creeks/streams, and the associated impacts to species that utilize these habitat types. In particular, CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State candidate-listed as threatened foothill yellow-legged frog (*Rana boylii*), the State and federally endangered Chorro Creek bog thistle (*Cirsium fontinale var. obispoense*), and the State species of special concern burrowing owl (*Athene cunicularia*), California red-legged frog (*Rana draytonii*), and western pond turtle (*Actinemys marmorata*). In order to adequately assess any potential impact to biological resources, CDFW recommends focused biological surveys be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project area. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol-level surveys, especially in the areas not in irrigated agriculture and to identify any Project-related impacts under CESA and other species of concern. Biological survey results may be submitted to CDFW.

S4-1 cont.

I. Environmental Setting and Related Impact

Would the Project 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 CDFW or the United States Fish and Wildlife Service (USFWS)?

COMMENT 1: Foothill Yellow-Legged Frog (FYLF) and California Red-Legged Frog (CRLF)

Issue: CRLF is addressed in the DEIR but excludes FYLF. FYLF are primarily stream dwelling and require shallow, flowing water in streams and rivers with at least some cobble-sized substrate; CRLF primarily inhabit ponds but can also be found in other waterways including marshes, streams, and lagoons, and the species will also breed in ephemeral waters (Thomson et al. 2016). FYLF and CRLF have been documented to occur in the vicinity of the Project site (CDFW 2020). The Project site contains habitat that may support both species. Avoidance and minimization measures are necessary to reduce impacts to FYLF and CRLF to a level that is less than significant.

Specific impact: Without appropriate avoidance and minimization measures for FYLF and CRLF, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, and direct mortality of individuals.

S4-2

Evidence impact would be significant: FYLF and CRLF populations throughout the State have experienced ongoing and drastic declines and many have been extirpated; historically, FYLF occurred in mountain streams from the San Gabriel River in Los Angeles County to southern Oregon west of the Sierra-Cascade crest (Thomson et al. 2016). Habitat loss from growth of cities and suburbs, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to FYLF and CRLF (Thomson et al. 2016, USFWS 2017). Project activities have the potential to significantly impact both species.

Recommended Potentially Feasible Mitigation Measure(s)
To evaluate potential impacts to FYLF and CRLF, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 1: FYLF and CRLF Surveys

While CDFW agrees with Mitigation Measure 3.5-2c in the DEIR that habitat assessment for CRLF will follow the USFWS *"Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog"* (USFWS 2005), CDFW recommends that a qualified wildlife biologist conduct surveys for FYLF and CRLF using the same USFWS survey protocol to determine if FYLF and CRLF are within or adjacent to the Project area; while this survey is designed for CRLF, the survey may be used for FYLF with focus on stream/river habitat.

Recommended Mitigation Measure 2: FYLF and CRLF Avoidance

If any FYLF and/or CRLF are found during preconstruction surveys or at any time during construction, consultation with CDFW is warranted to determine if the Project can avoid take. CDFW recommends that initial ground-disturbing activities be timed to avoid the period when FYLF and CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitor construction activity daily for FYLF and CRLF.

S4-2 cont.

Recommended Mitigation Measure 3: FYLF Take Authorization

Species such as FYLF with a Candidate listing are treated as threatened or endangered by CDFW. If through surveys it is determined that FYLF are occupying or have the potential to occupy the Project site and take cannot be avoided, take authorization would be warranted prior to initiating ground-disturbing activities. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081(b).

COMMENT 2: Special-Status Plants

Issue: Special-status plant species have been documented to occur in the vicinity of the Project site (CDFW 2020). The Project site contains habitat that may support special-status plant species meeting the definition of rare or endangered under CEQA Guidelines section 15380 including, but not limited to, the State and federally endangered Chorro Creek bog thistle. Avoidance and minimization measures are necessary to reduce impacts to these special-status plant species to a level that is less than significant.

S4-3

Specific impact: Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts resulting from ground- and vegetation-disturbing activities following Project approval include inability to reproduce and direct mortality.

Evidence impact would be significant: Special-status plant species known to occur in the vicinity of the Project site are threatened by residential development, road maintenance, vehicles, grazing, trampling, and invasive, non-native plants. In addition, remaining populations of these plants are very small (CNPS 2019). Therefore, impacts to existing populations have the potential to significantly impact these species.

Recommended Potentially Feasible Mitigation Measure(s)
To evaluate potential impacts to special-status plant species, CDFW recommends incorporating the following mitigation measures into the Environmental Impact Report (EIR) prepared for this Project, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 4: State-listed Plant Avoidance

Mitigation Measure 3.5-1b of the DEIR proposes to avoid special-status plant species by a 40-foot no-disturbance buffer around the outer edge of plant population(s) or specific habitat type(s) required by Chorro Creek bog thistle and other special-status plant species observed in the Project site. CDFW recommends the 40-foot no-disturbance buffer include indirect impacts such as excessive dust, excessive runoff, or other disturbances that may not result from direct ground-disturbance but could also impact habitat quality. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to Chorro Creek bog thistle and other special-status plant species, or in the case of plant species listed pursuant to CESA or the Native Plant Protection Act (NPPA), to determine if take can be avoided.

S4-3 cont.

Recommended Mitigation Measure 5: State-listed Plant Take Authorization

As stated above, if a plant species listed pursuant to CESA or the NPPA is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081(b).

COMMENT 3: Burrowing Owl (BUOW)

Issue: BUOW may occur within the Project site. BUOW inhabit open grassland containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Habitat both within and bordering the Project site, supports grassland habitat.

S4-4

Specific impact: Potentially significant direct impacts associated with subsequent activities and development include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact is potentially significant: BUOW rely on burrow habitat year-round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). The Project site contains and is bordered by some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture or housing developments. Therefore, subsequent ground-disturbing activities associated with Project approval have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

S4-4 cont.

To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 6: BUOW Avoidance

CDFW recommends no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Recommended Mitigation Measure 7: BUOW Passive Relocation and Mitigation

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return. S4-4 cont.

COMMENT 4: Western pond turtle (WPT)

Issue: WPT have the potential to occur in the Project site. WPT are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016).

Specific impact: Without appropriate avoidance and minimization measures for WPT, potentially significant impacts associated with Project activities could include inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

Evidence impact is potentially significant: The Project involves ground-disturbing activities in and adjacent to ponds and creeks/streams. Additionally, noise, vegetation removal, movement of workers, and ground-disturbance as a result of Project activities have the potential to significantly impact WPT populations. S4-5

Recommended Potentially Feasible Mitigation Measure(s)
To evaluate potential impacts to WPT, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 8: WPT Surveys

CDFW recommends that a qualified biologist conduct focused surveys for WPT no more than ten days prior to Project implementation. In addition, CDFW recommends that focused surveys for nests occur during the egg-laying season (March through

August) and that any nests discovered remain undisturbed until the eggs have hatched. S4-5 cont.

II. Editorial Comments and/or Suggestions

Lake and Streambed Alteration: Ground-disturbing activities that have the potential to change the bed, bank, and channel of streams, or alter riparian habitat, may be subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of a LSAA. For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593. S4-6

Nesting birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

The Project area likely provides nesting habitat for birds. CDFW encourages that Project implementation occur during the bird non-nesting season. However, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. S4-7

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground-disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously

monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends the work causing that change cease and CDFW consulted for additional avoidance and minimization measures.

If during ground- or vegetation activities continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed, non-raptor bird species in addition to the buffers listed in Mitigation Measure 3.5-2u. All buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance. S4-7 cont.

Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, Chorro Creek bog thistle and CRLF. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground disturbing activities. S4-8

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. S4-9

FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental S4-10

review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

S4-10 cont.

CDFW appreciates the opportunity to comment on the Project to assist Cal Poly, in identifying and mitigating the Project's impacts on biological resources.
More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 254, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,

Julie A. Vance
Regional Manager

Attachment

cc: United States Fish and Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, California 95825

Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

United States Army Corps of Engineers
San Joaquin Valley Office
1325 "J" Street, Suite #1350
Sacramento, California 95814-2928

ec: Linda Connolly, LSA

Literature Cited

California Burrowing Owl Consortium. 1993. Burrowing owl survey protocol and mitigation guidelines. April 1993.

California Department of Fish and Game (CDFG). 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.

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CDFW. 2020. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed January 28, 2020.

California Native Plant Society (CNPS), Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website http://www.rareplants.cnps.org [accessed December 9, 2019].

Gervais, J.A., D.D. Rosenberg, and L.A. Comrack. Burrowing Owl (*Athene cunicularia*) *in* Shuford, W.D. and T. Gardali, editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento, California, USA.

Thomson, R. C., A. N. Wright, and H. Bradley Shaffer, 2016. California Amphibian and Reptile Species of Special Concern. California Department of Fish and Wildlife and University of California Press.

United States Fish and Wildlife Service (USFWS), 2005. Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog. March 2005. 26 pp.

USFWS, 2017. Species Account for California Red-legged frog. March 2017. 1 pp.

Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: Cal Poly 2035 Master Plan

SCH No.: 2016101003

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Mitigation Measure 1: FYLF and CRLF Surveys	
Mitigation Measure 2: FYLF and CRLF Avoidance	
Mitigation Measure 3: FYLF Take Authorization	
Mitigation Measure 4: State-listed Plant Avoidance	
Mitigation Measure 5: State-listed Plant Take Authorization	
Mitigation Measure 6: BUOW Avoidance	
Mitigation Measure 7: BUOW Passive Relocation and Mitigation	
Mitigation Measure 8: WPT Surveys	
During Construction	
Mitigation Measure 2: FYLF and CRLF Avoidance	
Mitigation Measure 6: BUOW Avoidance	
Mitigation Measure 7: BUOW Passive Relocation and Mitigation	

Local Regional

Jeffrey K. Dumars

Letter
L1

From: Sara Sanders <SSanders@slocog.org>
Sent: Thursday, January 9, 2020 10:39 AM
To: Environmental Planning
Subject: 2035 Master Plan Draft EIR Comment Period Extension

Jeffrey,

I heard that Cal Poly might be extending the comment period for the 2035 Master Plan Draft EIR. Is that true? L1-1

Please let me know and thank you,

Sara Sanders, *Transportation Planner*
1114 Marsh St., San Luis Obispo, CA 93401
(805) 597-8052

Jeffrey K. Dumars

Letter
L2

From: Brendan Clark <BClark@co.slo.ca.us>
Sent: Tuesday, January 28, 2020 2:35 PM
To: Environmental Planning; Jeffrey K. Dumars
Cc: Keith L. Miller
Subject: SLO County Public Works Comments

Jeffrey,

Thanks for taking my call this morning. In the future, please use the following to formally notify the County of San Luis Obispo Department of Public Works regarding environmental review documents for the Master Plan:

1. pwd@co.slo.ca.us
2. Brendan Clark (Supervising Water Resources Engineer, Department of Public Works, County Government Center, Room 206, SLO CA 93408. 805-788-2316; bclark@co.slo.ca.us)
3. Keith Miller (Environmental Division Manager, Department of Public Works, County Government Center, Room 206, SLO, CA 93408; 805-781-5715; klmiller@co.slo.ca.us)

Keith should also be the official contact for all subsequent environmental notices from Cal Poly. Thank you!

As we discussed, the Public Works Department intends to provide comments on or as close as possible to Feb 3rd. Specifically, the Public Works Water Resources Division will be providing comments regarding the connection between the Master Plan and the City/County *Waterway Management Plan* for San Luis Obispo Creek. There are specific guidelines in this document for flood control and hydrology planning and design that are relevant to the DEIR evaluation. The Department will combine all of our comments into a single document to the extent that time allows.

L2-1

Thank you again for taking my call. I will update you on Friday with our status on the comments.

Brendan Clark, P.E.
Supervising Water Resources Engineer
Public Works, County of San Luis Obispo
Tel: (805) 788-2316 | *An APWA Accredited Agency*
Website | Twitter | Map

COUNTY OF SAN LUIS OBIS
PARKS AND RECREATION DEPARTME
Nick Franco *Director*

Letter
L3

January 30, 2020

California Polytechnic State University, San Luis Obispo
Attn: Jeffrey Dumars
Facilities Planning and Capital Projects
1 Grand Avenue
San Luis Obispo, CA 93407

RE: Comments on the Cal Poly Master Plan 2035, Draft Environmental Impact Report

Dear Mr. Dumars,

Thank you for the opportunity to review this Draft Environmental Impact Report (DEIR). I appreciate this draft addressing some of our previous comments in our letter on the previous DEIR for this Master Plan from January 2018. These comments were in 3 general areas:

1) lack of review and/or analysis of the Master Plans' consistency or inconsistency with the County's General Plan and other land use and circulation documents,
2) lack of review and/or analysis of impacts implementation of the Master Plan will have or not have to the City and County's recreational sites, and
3) absence of the adopted Chorro Valley Trail alignment through campus.

L3-1

Cal Poly's campus is located within the County of San Luis Obispo. Reference to the County's General Plan, Bike Plan and other related county land use documents have been noted in some sections of this DEIR and left out of other sections. The below Master Plans' Guiding Principles and Implementation Policies leave out reference to the County and the County's land use documents. Please include the bolded language in the following sections of the Master Plan to include reference to the County:

- DC 11: Campus design and wayfinding should reflect an enhanced connection to, and interaction with, the surrounding City **and County** of San Luis Obispo.
- IP 20: Cal Poly should partner with the City **and County** to help develop off-campus bicycle improvements as prescribed in the city's and **county's General Plans** and bike plan**s** and that improve connections between the campus and community.

L3-2

Especially problematic is section 3.13 Transportation where there is no mention or consistency analysis of the County's General Plan or transportation policies. Please add this analysis to this important section.

Once this analysis is complete, I suspect you will find inconsistencies with the County's General Plan and transportation documents, the Guiding Principles and Implementation Policies of this Master Plan along with a missed opportunity with regards to the County and SLOCOG adopted Chorro Valley Trail.

The Master Plan includes part of the Chorro Valley trail on the west campus section up to Stenner Creek Road, with a side note that the trail will extend onto Cal Poly lands. Previous conversations between the County and Cal Poly regarding this trail have stalled because extending this trail beyond this point is perceived as problematic for Cal Poly's agriculture lands in that area. A trail that ends in the middle of Cal Poly lands provides no connection to the adjacent property, does not provided the connection needed to make this trail useable and is inconsistent with many of the Master Plans Guiding Principles and Implementation Policies outlined in Attachment 1.

Our concern is that without a complete Chorro Valley Trail alignment called out in this Master Plan, the trail will never become the multi-modal connection it is planned to be. Please identify a complete alignment for the Chorro Valley Trail through Cal Poly lands to ensure this needed facility is feasible. County Parks is available to assist in this task and to find an alignment that meets the needs of your students and faculty along with the community at large. L3-3

This missed opportunity of the development of the Chorro Valley Trail, that goes all the way through Cal Poly lands, can help offset the significant impact the Master Plan's build out will have to the Net Increase in Long-Term Operational Criteria Air Pollutant and Precursor Emissions threshold (Impact 3.3-3). The County Air Pollution Control District provided mitigations for this impact that include:

- Increase bicycle accessibility and safety in the vicinity of the project; for example: provide interconnected bicycle routes/lands or construction of bikeways, and
- To provide recreational facility (e.g., parks, trails, gym, pool, etc.) within one-quarter of a mile from site.

Development of a complete Chorro Valley Trail through Cal Poly lands meets these recommended mitigations. Please include development of this trail as part of the Master Plan to offset the increase in long-term operational air pollution and emissions.

I have attached a map of the Chorro Valley Trail for your review along with a link to the County of San Luis Obispo Planning and Building Department's website where the County's General Plan documents can be found.

L3-3 cont.

http://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans/General-Plan.aspx

Thank you for the opportunity to review the Cal Poly Master Plan 2035 Draft Environmental Impact Report and inclusion of a discussion on the impact Master Plan build out will have on nearby City and County provided recreation.

Please contact me if you have any questions or have need further assistance at 805/781-4089 or by email at ekavanaugh@co.slo.ca.us.

Sincerely,

Elizabeth Kavanaugh

Elizabeth Kavanaugh
Park and Trail Planner, County of San Luis Obispo, Park and Recreation Department

Attachments:

1) List of the Master Plans Guiding Principles and Implementation Policies and Air Quality Control District Policies related to the implementation of the Chorro Valley Trail
2) Chorro Valley Trail Maps

Attachment 1 - The Master Plans' Guiding Principles and Implementation Policies and Air Quality Control District's Policies related to the implementation of the Chorro Valley Trail

Master Plans Guiding Principles and Implementation Policies

Guiding Principle (GP) 13: Access to an around campus should be safe, efficient and effective for all modes, while shifting to an active transportation system that gives priority to walking, bicycles, emerging mobility technologies, and transit over cars.

DC 11: Campus design and wayfinding should reflect an enhanced connection to, and interaction with, the surrounding City **and County** of San Luis Obispo.

IP 14: As a regional leader in fostering active transportation, Cal Poly should partner with local, regional and national public and private organizations (including but not limited to the City, County, Caltrans, SLOCOG, RTA, Amtrak, and Union Pacific Railroad) to make San Luis Obispo a model for modal shift from single occupancy autos to a complete active transportation system.

IP 15: Cal Poly should strengthen policies that discourage people from bringing cars to campus, especially for first- and second-year students living on-campus, and other students who reside on or near campus, and should concurrently provide the services, infrastructure and incentives for using active transportation options so that most students will not want a car.

IP 20: Cal Poly should partner with the City **and County** to help develop off-campus bicycle improvements as prescribed in the city's and **county's General Plans** and bike plan**s** and that improve connections between the campus and community.

Air Quality Control District Policies

APCD suggested mitigations: Increase bicycle accessibility and safety in the vicinity of the project; for example: provide interconnected bicycle routes/lands or construction of bikeways.

And Develop recreational facility (e.g., parks, trails, gym, pool, etc.) within one-quarter of a mile from site.

Policy AQ 1.3: Require new development to provide safe and convenient access to alternative transportation within the project area and safe access to public transportation as feasible.

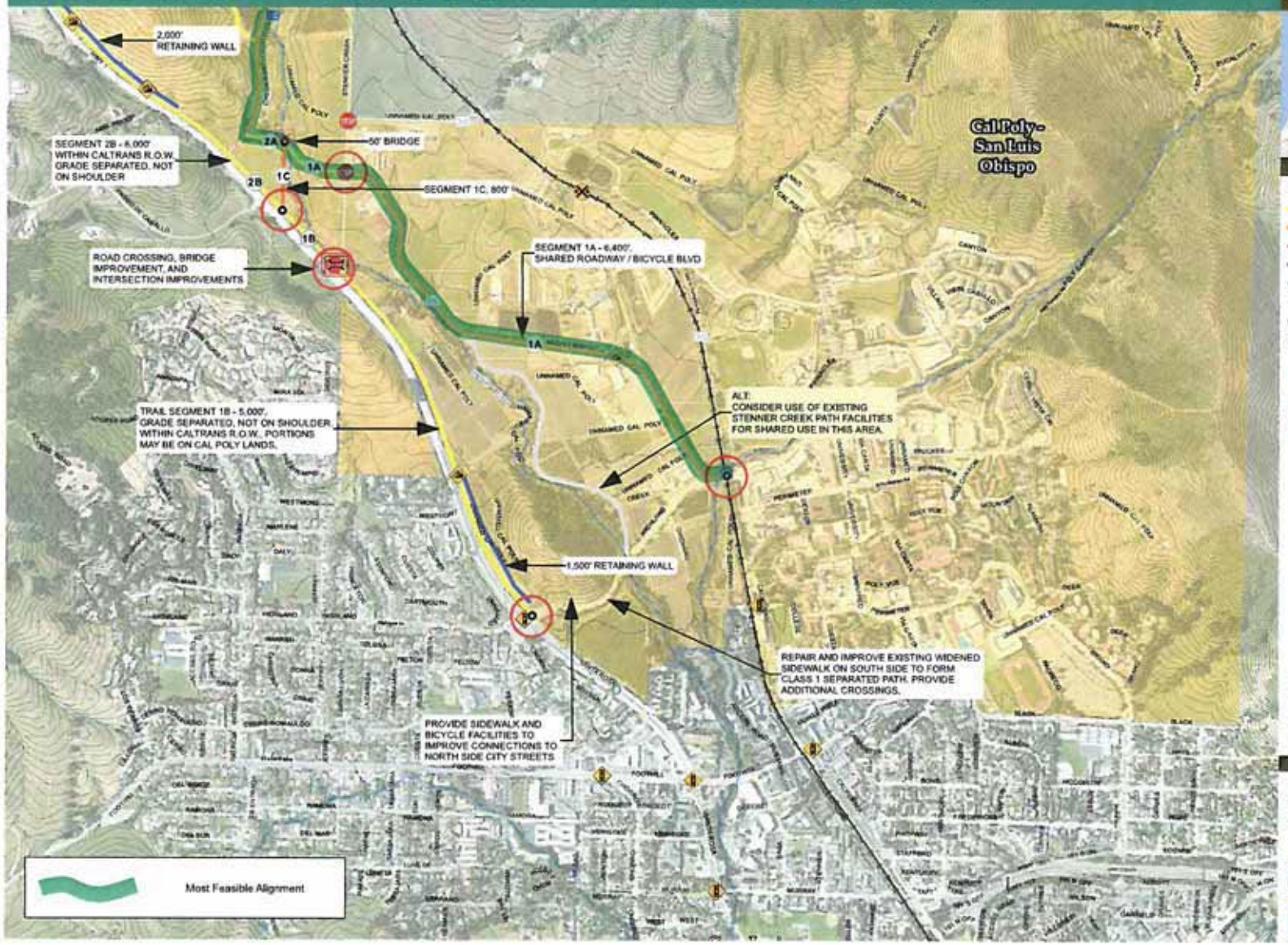
Policy AQ 1.5: Improve the operating efficiency of the transportation system by reducing vehicle travel demand and expanding opportunities for multi-modal travel.

Policy AQ 1.7: Encourage bicycle and pedestrian use by supporting the policies found in the Regional Transportation Plan, County Bikeways Plan, Land Use and Circulation Element, and County Parks and Recreation Element. In addition, support public and private efforts to facilitate bicycling and walking for transportation and recreation.

Policy AQ 3.1: Coordinate with neighboring jurisdictions and affected agencies to address cross-jurisdictional and regional transportation and air quality issues.

Attachment 2- Chorro Valley Trail Maps

CHORRO VALLEY TRAIL STUDY



Design Guidelines
FIGURE D1

LEGEND

Trail Treatment

- New Trail Construction (No Existing Road)
- Pavement Repair/Widening
- Permanent Traffic Barrier in Caltrans ROW
- Retaining Wall
- Boardwalk
- Existing Path
- Security Fence

Alignment Symbols

- Bridge Improvement
- New Bridge
- Intersection Improvements
- New Grade Separation
- Steep Grade (above 10%)
- Segment Name
- Small Drainage Crossing (E)
- Large Drainage Crossing (E)
- Road Crossing (E)
- Railroad Crossing (E)
- Signalized Intersection selection
- Segment Start/Stop

THIS MAP IS NOT A TRAIL GUIDE

This map is a preliminary planning tool and does not constitute an adopted Bicycle or Pedestrian Plan. Many of the routes or staging areas identified on this Map are simply proposed for further study and are not open to the public for any purpose. This map does not convey any right to the public to use any trail routes shown, nor does it exempt any person from trespassing charges.

REFERENCE

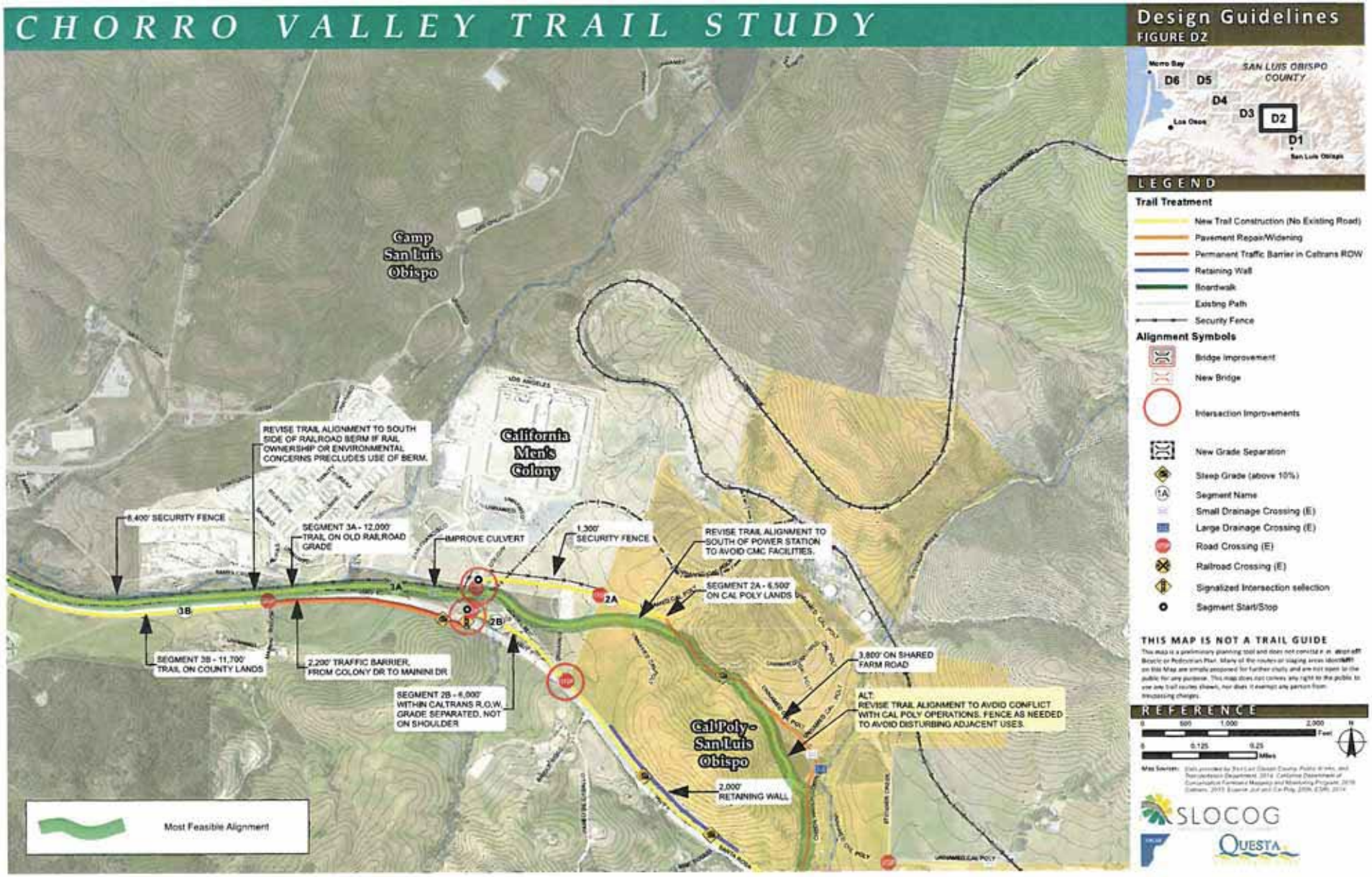
0 500 1,000 2,000 Feet N

0 0.125 0.25 Miles

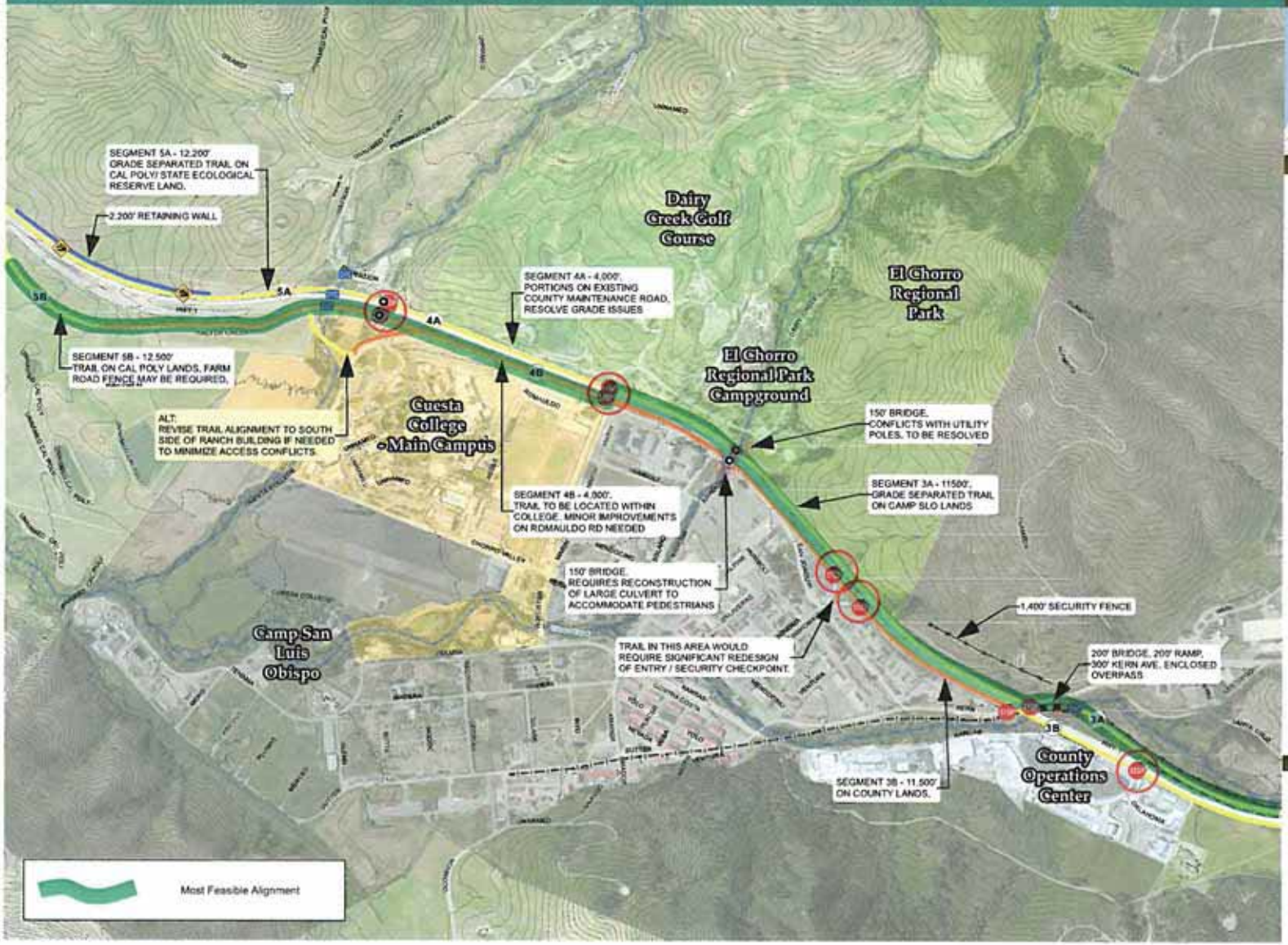
Map Sources: Data provided by San Luis Obispo County Public Works, and Transportation Department 2014; California Department of Conservation Farmland Mapping and Monitoring Program, 2010; Caltrans, 2011; Fugro, Ltd and Cal Poly, 2014; ESRI, 2014

SLOCOG

QUESTA


CHORRO VALLEY TRAIL STUDY
Design Guidelines
FIGURE D2
Morro Bay
SAN LUIS OBISPO COUNTY
D6
D5
D4
D3
D2
D1
Los Osos
San Luis Obispo
LEGEND
Trail Treatment
New Trail Construction (No Existing Road)
Pavement Repair/Widening
Permanent Traffic Barrier in Caltrans ROW
Retaining Wall
Boardwalk
Existing Path
Security Fence
Alignment Symbols
Bridge Improvement
New Bridge
Intersection Improvements
New Grade Separation
Steep Grade (above 10%)
Segment Name
Small Drainage Crossing (E)
Large Drainage Crossing (E)
Road Crossing (E)
Railroad Crossing (E)
Signalized Intersection selection
Segment Start/Stop
Camp San Luis Obispo
California Men's Colony
Cal Poly - San Luis Obispo
REVISE TRAIL ALIGNMENT TO SOUTH SIDE OF RAILROAD BERM IF RAIL OWNERSHIP OR ENVIRONMENTAL CONCERNS PRECLUDES USE OF BERM.
6,400' SECURITY FENCE
SEGMENT 3A - 12,000' TRAIL ON OLD RAILROAD GRADE
IMPROVE CULVERT
1,300' SECURITY FENCE
REVISE TRAIL ALIGNMENT TO SOUTH OF POWER STATION TO AVOID CMC FACILITIES.
SEGMENT 2A - 6,500' ON CAL POLY LANDS
3A
3B
2A
2B
SEGMENT 3B - 11,700' TRAIL ON COUNTY LANDS
2,200' TRAFFIC BARRIER, FROM COLONY DR TO MAINI DR
SEGMENT 2B - 6,000' WITHIN CALTRANS R.O.W. GRADE SEPARATED, NOT ON SHOULDER
3,800' ON SHARED FARM ROAD
ALT. REVISE TRAIL ALIGNMENT TO AVOID CONFLICT WITH CAL POLY OPERATIONS. FENCE AS NEEDED TO AVOID DISTURBING ADJACENT USES.
2,000' RETAINING WALL
Most Feasible Alignment
THIS MAP IS NOT A TRAIL GUIDE
REFERENCE
0 500 1,000 2,000 Feet
0 0.125 0.25 Miles
N
SLOCOG
QUESTA

CHORRO VALLEY TRAIL STUDY



Design Guidelines
FIGURE D3

LEGEND

Trail Treatment

- New Trail Construction (No Existing Road)
- Pavement Repair/Widening
- Permanent Traffic Barrier in Caltrans ROW
- Retaining Wall
- Boardwalk
- Existing Path
- Security Fence

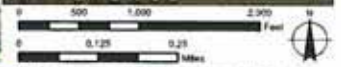
Alignment Symbols

- Bridge Improvement
- New Bridge
- Intersection Improvements
- New Grade Separation
- Steep Grade (above 10%)
- Segment Name
- Small Drainage Crossing (E)
- Large Drainage Crossing (E)
- Road Crossing (E)
- Railroad Crossing (E)
- Signalized Intersection selection
- Segment Start/Stop

THIS MAP IS NOT A TRAIL GUIDE

This map is a preliminary planning tool and does not constitute an adopted Route or Pedestrian Plan. Many of the routes or staging areas identified on this Map are simply proposed for further study and are not open to the public for any purpose. This map does not convey any right to the public to use any trail routes shown, nor does it exempt any person from trespassing charges.

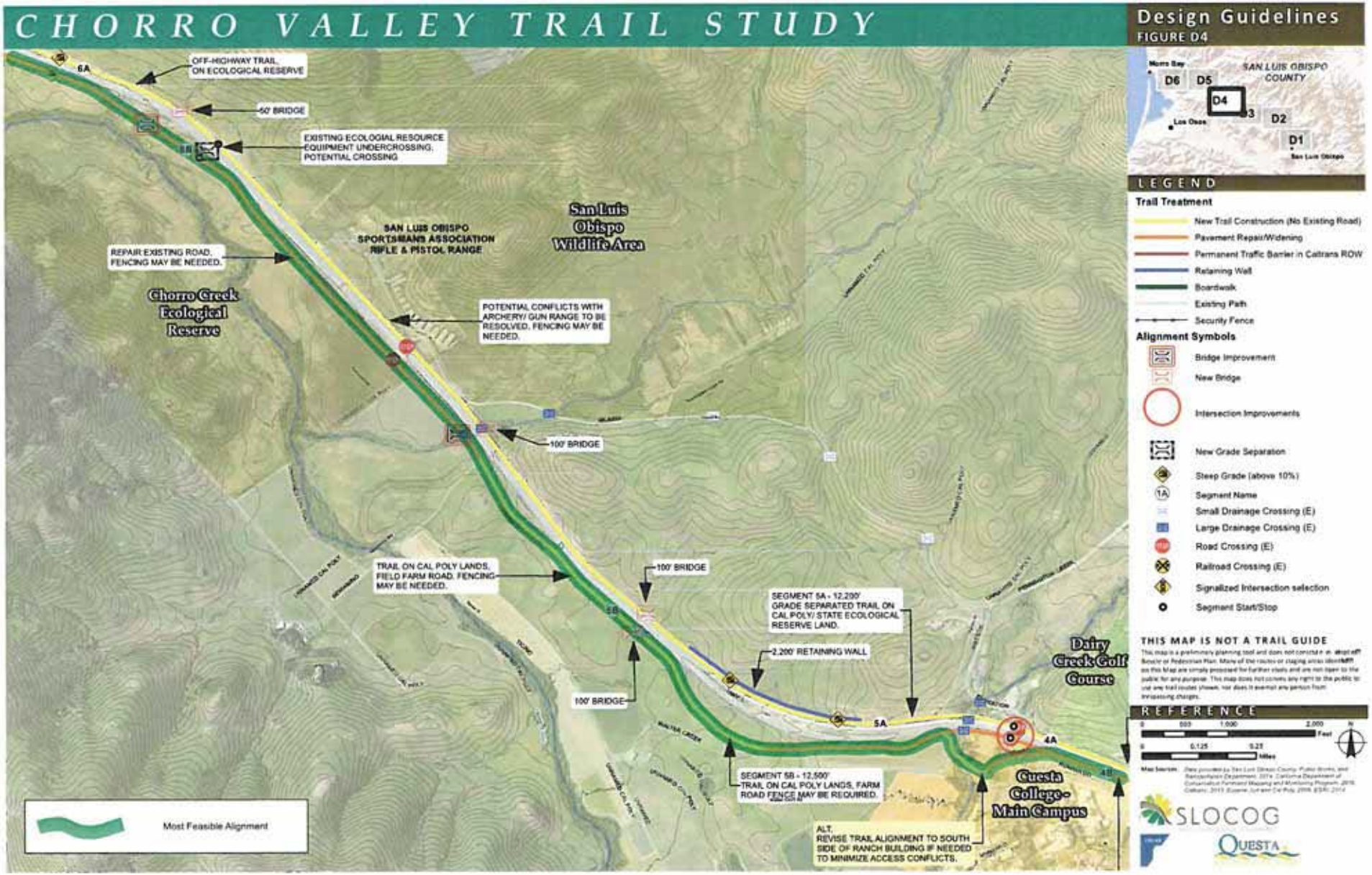
REFERENCE



Map Sources: Data provided by San Luis Obispo County Public Works and Transportation Department, 2014; California Department of Conservation Farmland Mapping and Monitoring Program, 2010; Caltrans, 2013; Kearns and Cal Poly, 2008; ESRI, 2014.

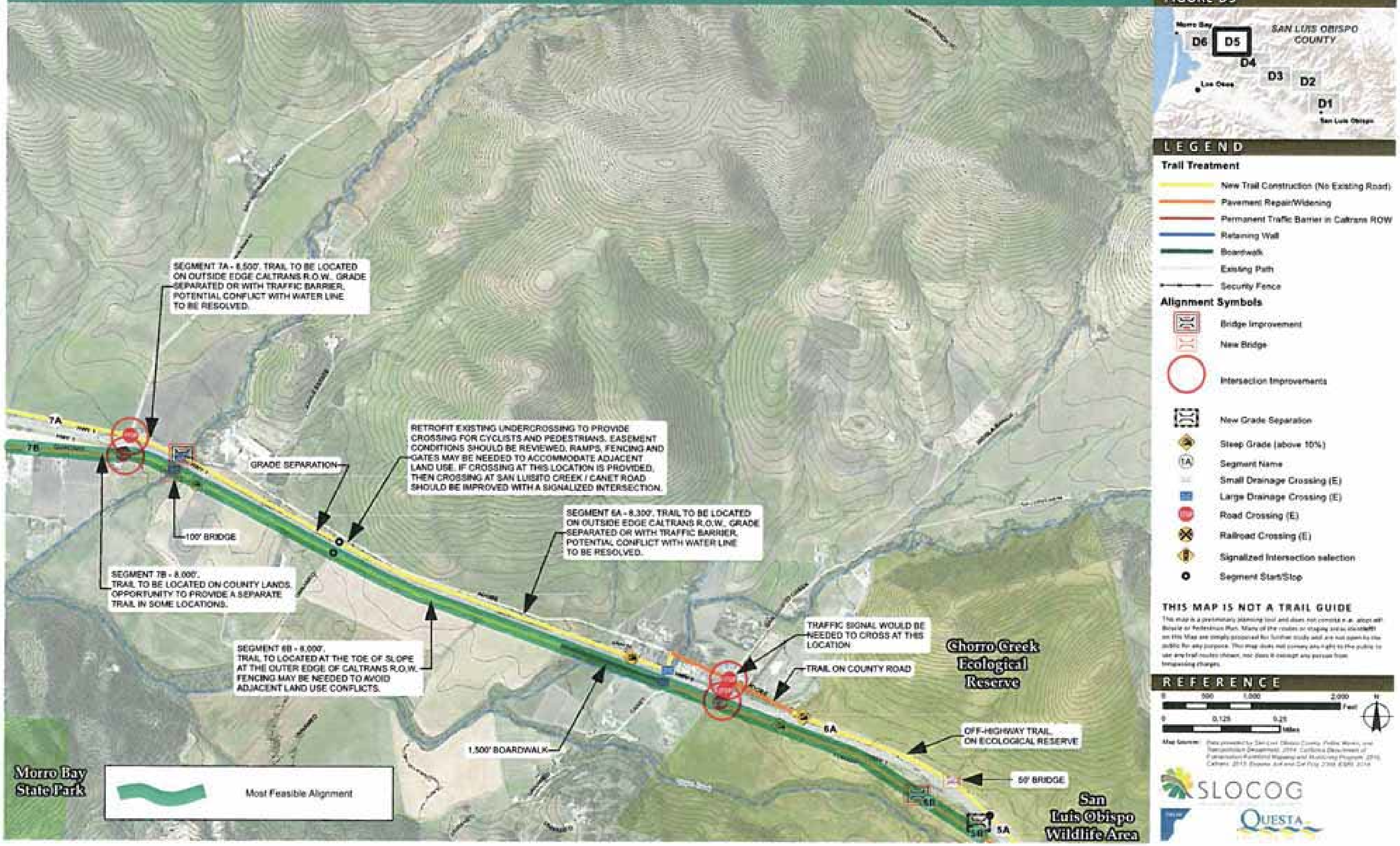
SLOCOG

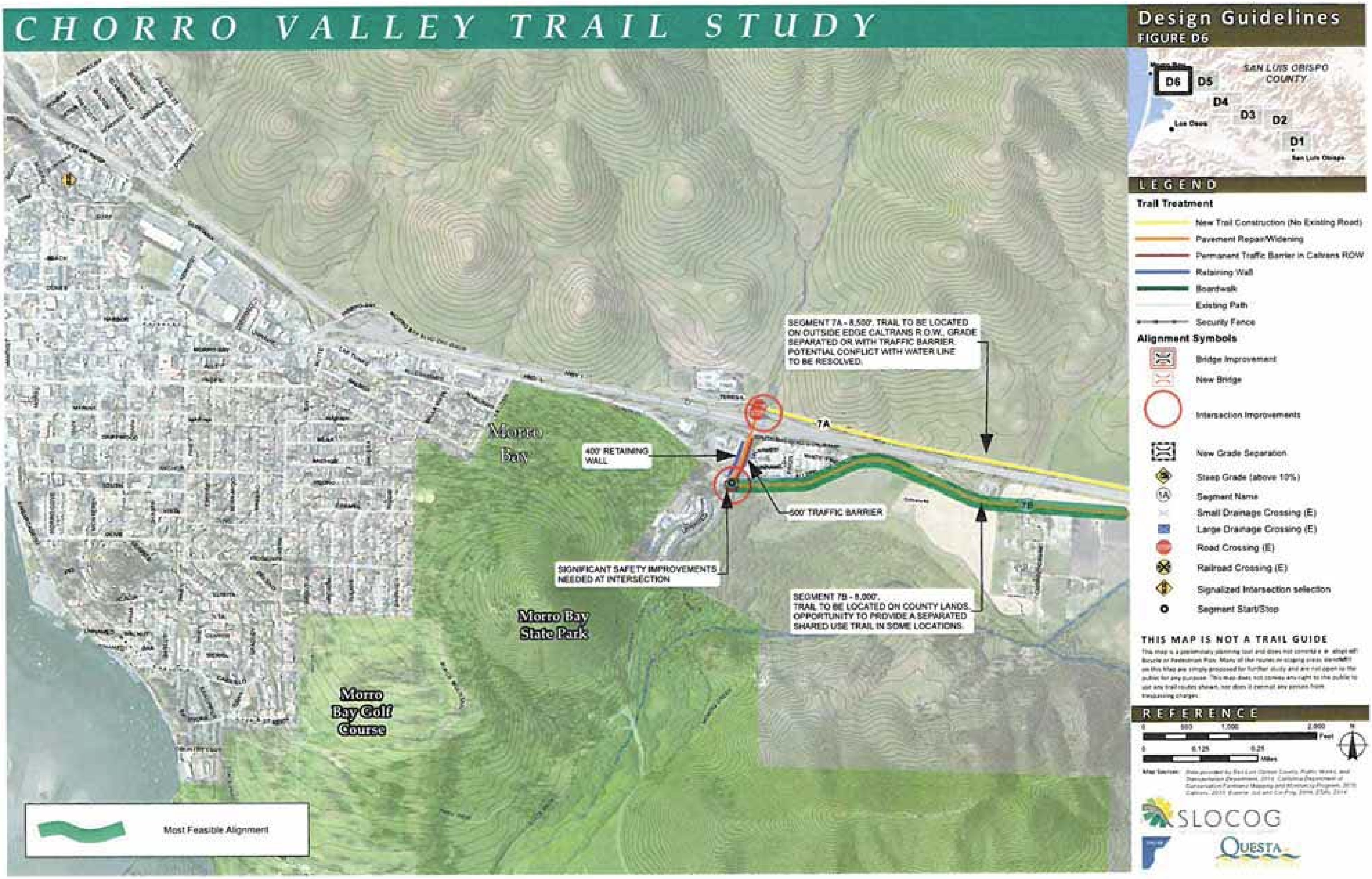
QUESTA


CHORRO VALLEY TRAIL STUDY
Design Guidelines
FIGURE D4
SAN LUIS OBISPO COUNTY
D6
D5
D4
D3
D2
D1
Morro Bay
Los Osos
San Luis Obispo
LEGEND
Trail Treatment
New Trail Construction (No Existing Road)
Pavement Repair/Widening
Permanent Traffic Barrier in Caltrans ROW
Retaining Wall
Boardwalk
Existing Path
Security Fence
Alignment Symbols
Bridge Improvement
New Bridge
Intersection Improvements
New Grade Separation
Steep Grade (above 10%)
Segment Name
Small Drainage Crossing (E)
Large Drainage Crossing (E)
Road Crossing (E)
Railroad Crossing (E)
Signalized Intersection selection
Segment Start/Stop
THIS MAP IS NOT A TRAIL GUIDE
REFERENCE
Feet
Miles
SLOCOG
QUESTA
OFF-HIGHWAY TRAIL ON ECOLOGICAL RESERVE
50' BRIDGE
EXISTING ECOLOGIAL RESOURCE EQUIPMENT UNDERCROSSING, POTENTIAL CROSSING
REPAIR EXISTING ROAD. FENCING MAY BE NEEDED.
SAN LUIS OBISPO SPORTSMANS ASSOCIATION RIFLE & PISTOL RANGE
San Luis Obispo Wildlife Area
Chorro Creek Ecological Reserve
POTENTIAL CONFLICTS WITH ARCHERY/ GUN RANGE TO BE RESOLVED. FENCING MAY BE NEEDED.
100' BRIDGE
TRAIL ON CAL POLY LANDS. FIELD FARM ROAD. FENCING MAY BE NEEDED.
100' BRIDGE
100' BRIDGE
SEGMENT 5A - 12,200' GRADE SEPARATED TRAIL ON CAL POLY/ STATE ECOLOGICAL RESERVE LAND.
2,200' RETAINING WALL
Dairy Creek Golf Course
SEGMENT 5B - 12,500' TRAIL ON CAL POLY LANDS. FARM ROAD FENCE MAY BE REQUIRED.
ALT. REVISE TRAIL ALIGNMENT TO SOUTH SIDE OF RANCH BUILDING IF NEEDED TO MINIMIZE ACCESS CONFLICTS.
Cuesta College - Main Campus
Most Feasible Alignment

CHORRO VALLEY TRAIL STUDY

Design Guidelines
FIGURE D5




CHORRO VALLEY TRAIL STUDY
Design Guidelines
FIGURE D6
SAN LUIS OBISPO COUNTY
D6
D5
D4
D3
D2
D1
Los Osos
San Luis Obispo
LEGEND
Trail Treatment
New Trail Construction (No Existing Road)
Pavement Repair/Widening
Permanent Traffic Barrier in Caltrans ROW
Retaining Wall
Boardwalk
Existing Path
Security Fence
Alignment Symbols
Bridge Improvement
New Bridge
Intersection Improvements
New Grade Separation
Steep Grade (above 10%)
Segment Name
Small Drainage Crossing (E)
Large Drainage Crossing (E)
Road Crossing (E)
Railroad Crossing (E)
Signalized Intersection selection
Segment Start/Stop
THIS MAP IS NOT A TRAIL GUIDE
REFERENCE
Feet
Miles
SEGMENT 7A - 8,500'. TRAIL TO BE LOCATED ON OUTSIDE EDGE CALTRANS R.O.W., GRADE SEPARATED OR WITH TRAFFIC BARRIER. POTENTIAL CONFLICT WITH WATER LINE TO BE RESOLVED.
7A
400' RETAINING WALL
500' TRAFFIC BARRIER
7B
SIGNIFICANT SAFETY IMPROVEMENTS NEEDED AT INTERSECTION
SEGMENT 7B - 8,000'. TRAIL TO BE LOCATED ON COUNTY LANDS. OPPORTUNITY TO PROVIDE A SEPARATED SHARED USE TRAIL IN SOME LOCATIONS.
Morro Bay
Morro Bay State Park
Morro Bay Golf Course
Most Feasible Alignment
SLOCOG
QUESTA

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

Letter
L4

Via Email

February 3, 2020

Jeffery Dumars
Facilities Management and Development
1 Grand Avenue
San Luis Obispo, CA 93407
environmentalplanning@calpoly.edu

SUBJECT: APCD Comments Regarding the 2035 Master Plan Draft EIR

Dear Mr. Dumars:

The San Luis Obispo County Air Pollution Control District (APCD) has completed our review of the proposed project located at California Polytechnic State University, San Luis Obispo.

According to the Draft Environmental Impact Report (DEIR), the 2035 Master Plan (Plan) would include approximately:

- 7,200 new student beds;
- 1.29 million gross square feet of academic, administrative, and support space;
- 380 residential units intended primarily for faculty/staff with supporting uses (retail and recreational space);
- 200-unit university-based retirement community; and
- 455,000 gross square feet of existing academic, administrative, and support space would be redeveloped and replaced with new facilities.

L4-1

The 2035 Master Plan also proposes circulation improvements and utilities infrastructure improvements, such as new water, wastewater, and storm drainage infrastructure. Overall, the total development (i.e., building square footage) and land use types (e.g., residential, academic, recreational) included in the 2035 Master Plan were assumed to be constructed over the 15-year planning horizon. The DEIR Section 3.3 Air Quality states the following about how the air quality assessment for the project was accomplished:

> Although specific square footage and land use types were used, emissions modeling were general in nature and did not include specific construction schedules or project-specific details for each individual land use (as such information is not available at this time). Rather, the modeling generally captured the scale of construction and operational activities that could occur with approval of the Cal Poly 2035 Master Plan.

The following comments are formatted into 3 sections – **(1) General Comments**, **(2) Air Quality, (3) Transportation** and **(4) Greenhouse Gas Emissions**. Comments pertain to information stated in the DEIR. The **lead agency** may contact the APCD Planning Division for questions and comments at 805-781-5912. L4-1 cont.

(1) General Comments

On page 3.3-1 of the DEIR it states, "No comments regarding air quality were received in response to the Notice of Preparation (NOP)." The APCD submitted comments to Julie Hawkins regarding the NOP on October 27th, 2016. The letter is attached for your convenience. The APCD would like to note the APCD did not receive notice that the DEIR was available. Please direct all future notices and environmental documents to Jacqueline Mansoor at jmansoor@co.slo.ca.us. L4-2

(2) Air Quality

Impact 3.3-1: Conflict with or Obstruct Implementation of an Applicable Air Quality Plan

On page 3.3-17, the DEIR discusses if the 2035 Master Plan would conflict with the APCD's 2001 Clean Air Plan (2001 CAP). According to the 2001 CAP (pg. 8-5), to determine project consistency, the consistency analysis should include the following questions:

1. Are the population projections used in the plan or project equal to or less than those used in the CAP (chapter 2) for the same area?
   Note: 2050 Regional Growth Forecast population data should be used in place of population projections provided in the 2001 Clean Air Plan. Use medium scenario figures 116 and 118.
2. Is rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?
3. Have all applicable land use and transportation control measures from the CAP been included in the plan or project to the maximum extent feasible?

L4-3

The DEIR did not answer question 1 and 2. Because of this, **determination of whether Impact 3.3-1 is significant or insignificant cannot be determined at this time.**

The DEIR partially evaluated question 3 by providing a brief summary of the land use and transportation policies, strategies, and measures that the 2035 Master Plan includes. An effective assessment involves consideration of if all applicable land use and transportation control measures from the 2001 CAP have been included in the 2035 Master Plan to the maximum extent feasible. If certain strategies are not applicable to the project, or not feasible, the DEIR should explain why. Transportation control measures and land use planning strategies can be found on pages 6-9 through 18 in the 2001 CAP.

Page 3.3-18 in the DEIR discusses CAP transportation control measure T-1B *Campus Trip Reduction Program*. Per guidance from this measure, the DEIR states a transportation coordinator has been appointed, an on-site transportation information center has been created, and a Trip Reduction Plan

has been submitted to the APCD. The stated trip reduction plan was submitted to the APCD several years ago. In lieu of updating the submitted Trip Reduction Plan, the APCD has identified that implementing mitigation measure 3.13-1: Develop and Implement a Transportation Demand Management Plan would be sufficient to show consistency with transportation control measure T-1B.

The APCD would like to point out the importance of CAP transportation control measure T-3 *Bicycling and Bikeway Enhancements* and echo the concerns of the County of San Luis Obispo Parks and Recreation Department that the 2035 Master Plan should include reference to the County and County's land use documents, such as the County's General Plan and transportation policies. More specifically, the APCD agrees that an incomplete Chorro Valley Trail is a missed opportunity to *fully* implement T-3 and reduce long-term criteria pollutant emissions.

L4-3 cont.

Impact 3.3-2: Cause Construction-Generated Criteria Air Pollutant or Precursor Emissions to Exceed APCD-Recommended Thresholds (pg. 3.3-19)

On DEIR page 3.3-19, construction-generated emissions were calculated to determine if APCD thresholds were exceeded. The California Emissions Estimator Module (CalEEMod) was used to calculate emissions and the output files are found in Appendix C - Air Quality Greenhouse Gas and Energy Modeling. The APCD found that there are discrepancies between the construction calculations and operational calculations. Specifically, the construction emissions from certain land uses were not calculated into any of the 5 construction phases nor in the air quality modeling for the retirement community and faculty and staff workforce housing component (Slack and Grand neighborhood). These discrepancies are bolded in the table below.

Land Use	Construction		Operational	
General Office Building	**1,075,000**	**square feet**	**1,082,600**	**square feet**
Medical Office Building	**Omitted**	**Omitted**	**65,000**	**square feet**
Office Park	**Omitted**	**Omitted**	**125,000**	**square feet**
Library	**Omitted**	**Omitted**	**114,300**	**square feet**
General Light Industry	**Omitted**	**Omitted**	**169,200**	**square feet**
Unenclosed Parking with Elevator	706	spaces	706	spaces
Arena	1.9	Acre	1.9	Acre
City Park	**33.9**	**acres**	**69.7**	**Acre**
Health Club	**132,000**	**square feet**	**14,800**	**square feet**
Apartments Mid Rise	2,600	Dwelling Unit	2,600	Dwelling Unit
Congregate Care (Assisted Living)	80	Dwelling Unit	80	Dwelling Unit
Retirement Community	120	Dwelling Unit	120	Dwelling Unit
Convenience Market (24 Hour)	7,000	square feet	7,000	square feet

L4-4

Based on these discrepancies, it does not seem that the general construction-generated emissions and perhaps the operational-generated emissions were correctly calculated. The operational and

construction-emission calculations should have used the same land use types and metric amounts (square feet, dwelling unit). Please provide clarifications for these differences. **If the modeling was not accomplished properly, the potential project impact and applicable mitigation measures for the construction and operational phases are difficult to assess. The APCD recommends that Cal Poly work with APCD to refine the modeling assumptions if refined modeling will be accomplished.**

On page 3.3-22, the DEIR states "for individual projects proposed under the 2035 Master Plan, APCD screening criteria (rather than emissions modeling) shall be applied to determine if emissions from the project would be below the adopted numeric thresholds." Individual project analysis was proposed because a construction schedule is not known at this time. However, page 3.8-15 in the DEIR states:

> Although the actual construction schedule is unknown at this time, near-term and long-term projects have been identified. Near-term projects were estimated to begin construction in 2020 and assumed to last for 9 years, with the University-Based Retirement Community and the Slack and Grand neighborhood beginning construction in 2020 along with the academic and student housing short-term projects. Long term projects were estimated to begin construction in 2029 and the project's full buildout would occur in 2035.

Appendix C states all near-term and long-term projects. An alternative construction phase modeling approach could include two phases. Phase 1 could include *all* near-term projects over a 9-year period and Phase 2 could include *all* long-term projects over a 6-year period. Please reevaluate construction-generated emissions using the known schedule of near and long-term projects.

L4-4 cont.

Despite the questions with the construction emission calculations, the APCD reviewed Mitigation Measure 3.3-2: Implement Dust and Exhaust Emissions Reduction Measures on pages 3.3-21 through 23. The first bullet in Mitigation Measure 3.3-2 explains:

> "Staging and queuing areas or diesel idling associated with equipment used during construction of new/renovated buildings on campus shall not be located within 1,000 feet of sensitive receptors. This distance can be adjusted if it can be demonstrated to Cal Poly by the construction contractor, with substantial evidence, that risk levels at nearby receptors would not exceed an estimated risk of 10 chances in a million."

L4-5

The APCD does not recommend toxic risk assessments for construction projects due to their short-term nature. Therefore, we recommend the second sentence in the quote be removed from the 2035 Master Plan. Other construction equipment mitigation measured discussed next will also minimize diesel emission impacts

Displayed in tables 3.3-4 and 5, daily potential construction phase ROG + NOx emissions could exceed APCD thresholds in 2021 and quarterly ROG + NOx emissions could exceed APCD thresholds in 2021, 2022 and 2024. Because of these exceedances, proper mitigation to implement are:

- APCD's Standard Mitigation Measures for Construction Equipment, and
- APCD's Best Available Control Technology (BACT)

L4-6

These measures are found in the APCD's 2012 CEQA Handbook.

Mitigation Measure 3.3-2, omits portions of the APCD's Standard Mitigation Measures, specifically the measure is missing the following bulleted item to be implemented:

- Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NO_x exempt area fleets) may be eligible by proving alternative compliance; and
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Please include these bulleted items in Mitigation Measure 3.3-2.

In addition, because the APCD's ROG + NOx Quarterly threshold would be exceeded in 2021, 2022 and 2024, the APCD's BACT mitigation would need to be implemented. Please include the full language of APCD's BACT mitigation as stated below:

L4-6 cont.

Best Available Control Technology (BACT) for Construction Equipment
If the estimated construction phase ozone precursor emissions from the actual fleet for a given Phase are expected to exceed the APCD's threshold of significances after the standard mitigation measures are factored into the estimation, then BACT needs to be implemented to further reduce these impacts. The BACT measures can include:

1. Further reducing emissions by expanding use of Tier 3 and Tier 4 off-road and 2010 on-road compliant engines;
2. Repowering equipment with the cleanest engines available; and
3. Installing California Verified Diesel Emission Control Strategies. These strategies are listed at: arb.ca.gov/diesel/verdev/vt/cvt.htm.

Mitigation Measure 3.3-2 states an older version of the APCD's Fugitive Dust Mitigation Measures: Long List. The APCD released a Clarification Memorandum for the CEQA Handbook on November 14, 2017 indicating changes to this measure. Please review the memo and update Mitigation Measure 3.3-2 as needed.

Impact 3.3-3: Result in a Net Increase in Long-Term Operational Criteria Air Pollutant and Precursor Emissions That Exceed APCD-Recommended Thresholds

On page 3.3-23, the DEIR discusses long-term operational criteria air pollutants associated with full build-out of the 2035 Master Plan. This section of the DEIR does not explain the method for how the operational emissions were calculated nor point to a more detail about the numbers in Tables 3.3-6. The APCD assumed the documentation in Appendix C. Air Quality, GHG, Energy explains the calculations.

L4-7

The APCD has the same concerns with the operational calculated emissions as stated above in the discussion regarding Impact 3.3-2. The APCD found that there are discrepancies between the construction calculations and operational calculations, specifically the operational and construction-emission calculations did not use the same land use types and metric amounts (square feet, dwelling unit). **Without accurate construction and operational emission calculations, accurate mitigation for the impacts cannot be determined at this time.** Please provide clarifications for these differences.

L4-7 cont.

Despite the questionable operational emission calculations, the APCD reviewed Mitigation Measure 3.3-3b Reduce Operational Emissions stated on page 3.3-25. Displayed in table 3.3-6, full build-out would exceed APCD daily ROG + NOx, annual ROG + NOx and annual fugitive particulate matter dust thresholds. Because of these exceedances, proper mitigation would be to implement:

- All feasible mitigation measures from Table 3-4 in the APCD's *CEQA Air Quality Handbook* (April 2012);
- APCD's Operational Off-Site Mitigation; and
- APCD's Activity Management Plan Mitigation.

L4-8

Mitigation Measure 3.3-3b states 5 of the 41 mitigation measures from Table 3-4. The APCD does not agree that these 5 mitigations are the only mitigations from Table 3-4 that are applicable and feasible.

The DEIR does not discuss the necessary mitigation of operational off-site mitigation or an Activity Management Plan. Please revise and include the above mitigation measures

Impact 3.3-5: Expose Sensitive Receptors to Substantial Increases in TAC Emissions

On page, 3.3-28, the DEIR discusses placement of new sensitive receptors (such as housing) near existing sources of TACs (toxic air contaminants) and that the co-generation facility on campus is the only known source. Additionally, the DEIR states:

> "the existing cogeneration facility generated 119 pounds per year of diesel PM in 2017... The APCD's threshold for operational diesel PM is 1.25 lb/day, which is not being exceeded based on these data."

The discussed co-generation engines cannot emit diesel particulate matter (PM) as they are fired by natural gas. Therefore, the APCD's diesel PM threshold is not applicable to the co-generation engines. The facility of Cal Poly in its entirety emitted 118.7 pounds of diesel PM in 2017. These emissions are primarily due to their 12 diesel-fueled backup generators. Recently, Cal Poly has applied for two more diesel back-up generators through the APCD.

L4-9

The discussion continues and states "health risks associated with this source [co-generation facility] do not exceed the APCD's screening limit of 10 chances in a million for stationary sources." This information is incorrect. The facility of Cal Poly is currently undergoing a health risk assessment (HRA) because the facility has exceeded the APCD's prioritization score threshold of 10 for stationary sources. Additionally, the co-generation engines alone exceeded a score of 10 per the Toxic Emissions Inventory Report submitted March 29, 2019 in preparation for the HRA. The prioritization scores trigger the need for the refined HRA that Cal Poly is now conducting.

Because the HRA is not finalized, the results and corresponding impacts cannot be discussed at this time. The HRA is taking into account the current population of Cal Poly and current permitted sources. As the population of Cal Poly expands and operates more stationary diesel-powered equipment, the facility's health risk will need to be continually reevaluated. If, at any point, an HRA demonstrates that the facility exceeds 10 chances in a million for cancer, the source must simultaneously develop and implement an APCO-approved airborne toxic risk reduction audit and plan, as codified in Chapter 6, Facility Toxic Air Contaminant Risk Reduction Audit and Plan, of the California Health and Safety Code. The plan would include airborne toxic risk reduction measures which may include: (1) feedstock modification, (2) product reformulations, (3) production system modifications, (4) system enclosure, emissions control, capture, or conversion and (5) operational standards and practices modification. Please refine the discussion on page 3.3-28 to include the corrected information stated above.

L4-9 cont.

(3) Transportation

As stated earlier, it is not clear if the modeled emission impacts are correctly calculated. However, the 2035 Master Plan's operational phase criteria pollutant and GHG impacts are presented as being at levels requiring mitigation. Below, the APCD provides recommendations to improve the Plan's transportation mitigation measures.

Impact 3.13-1: Result in Vehicle Miles Traveled That Exceed Regional Vehicle Miles Traveled Targets
Impact 3.13-2: Conflict with a Program, Plan, Ordinance, or Policy Addressing Circulation and Transit
Impact 3.13-3: Conflict with a Program, Plan, Ordinance, or Policy Addressing Bicycle Facilities
Impact 3.13-4: Conflict with a Program, Plan, Ordinance, or Policy Addressing Pedestrian Facilities

The DEIR Project Description Section 2.6.6 Circulation Infrastructure Improvements states:

L4-10

The 2035 Master Plan includes the following guiding principles related to the campus' circulation network:

- Shift modal hierarchy to (1) walking, (2) biking, (3) transit, and (4) vehicles.
- Reduce vehicle trips and parking demand.
- Create a pedestrian core.
- Provide expanded and improved bicycle circulation system, including bicycle parking closer to major campus facilities and activity centers.
- Consider a campus shuttle.
- Provide adequate access for maintenance, delivery, emergency, and special needs.
- Ensure safety of all transportation modes.

The DEIR Section 3.13 Transportation integrated these principles into the 2035 Master Plan through mitigation measures to address four stated transportation related impacts from the implementation of the Plan. The mitigation measures identified are:

- Mitigation 3.13-1: Develop and Implement a Transportation Demand Management Plan

- Mitigation Measure 3.13-2: Monitor Transit Service Performance and Support Transit Improvements
- Mitigation Measure 3.13-3: Monitor Bicycle-Related Collisions to Implement Countermeasures Minimizing Potential Conflicts with Bicycle Facilities
- Mitigation Measure 3.13-4: Monitor Pedestrian-Related Collisions to Implement Countermeasures Minimizing Potential Conflicts with Pedestrian Facilities.

These mitigation measures include strategies for the Plan to implement that could shift the travel modes toward the modal shift hierarchy stated in Section 2.6.6. For the Plan to most effectively realize its goals for greenhouse gas (GHG) reductions as well for the reduction of vehicle miles traveled (VMT) and the co-benefits of criteria pollutant emission reductions, the APCD recommends that Mitigation 3.13-1 be expanded to:

- Ensure the mitigation measures are achieving the Section 2.6.6 stated modal hierarchy, Cal Poly shall quantitatively determine the campus wide modal hierarchy over time; and,
- If the hierarchy trend is not being achieved, the measure needs to include a mechanism for Cal Poly to identify and implement additional mitigation measures to achieve the hierarchy.

L4-10 cont.

Reasons that it is critical for the 2035 Master Plan to expand Mitigation 3.13-1 are provided in an October 2019 study[1] [2] regarding transportation at Cal Poly. The study found in part that:

- Not only have students become more likely to drive to campus as they get older, each entering class of students appears to be more car-dependent than previous entering classes.
- Using campus specific information on the model years of vehicles used to commute to campus yields higher estimates of campus-generated greenhouse gas emissions, relative to average regional emissions rates.

This study also provides recommendations for Cal Poly to implement to reduce GHG emissions and VMT. The APCD recommends that the 2035 Master Plan acknowledge the issues identified in this study and integrate its recommendations into the Plan's GHG and transportation mitigation measures.

(4) Greenhouse Gas Emissions

As stated earlier, it is not clear if the modeled emission impacts are correctly calculated. However, the 2035 Master Plan's operational phase criteria pollutant and GHG impacts are presented as being at levels requiring mitigation. Below APCD provides recommendations to improve the Plan's GHG mitigation measures.

L4-11

[1] Troy Kawahara, et al. (November 2019). *Moving from Walkability? Evaluation Traditional and Merging Data Sources for Evaluating Changes in Campus-Generated Greenhouse Gas Emissions.* Retrieved from https://transweb.sjsu.edu/research/1857-Moving-From-Walkability

[2] Skip Descant. (January 10, 2020). *California College Students Still Love Driving, Study Finds.* Retrieved from https://www.govtech.com/transportation/California-College-Students-Still-Love-Driving-Study-Finds.html

Impact 3.8-1: Generate GHG Emissions That May Have a Significant Impact on the Environment

The Cal Poly 2035 Master Plan developed a project specific GHG threshold of significance by evaluating Cal Poly specific GHG inventory information relative to the state's emissions inventory. The threshold looks to be consistent with the State's 2050 GHG reduction target. This threshold approach seems to address concerns raised by several court cases and it is similar to a draft Sacramento Air Quality Management District approach[3]. The DEIR estimated that the construction and operational GHG emissions from the project in 2035 "would need to reduce its emissions by 10,770 MTCO2e/year to align with both statewide and Cal Poly's GHG targets." When the emission reductions from Mitigation Measure 3.8-1 were accounted for, the project estimated emissions in excess of the threshold were 8,076 MTCO2e/year. The DEIR recommends GHG offsets in Mitigation Measure 3.8-2 to address this exceedance.

To reduce or eliminate the need for purchasing offsets, the APCD recommends that the 2035 Master Plan provide much more on-site and local GHG reductions by expanding Mitigation Measure 3.8-1 as follows:

- Regarding the rooftop solar measure, the Plan covered buildings that cannot be built or retrofitted with enough solar on the roof to meet their electric demand:
    - The Plan can commit Cal Poly to install enough solar elsewhere on Campus to offset the need and bring the electric energy use for the buildings covered by the Plan to net-zero.
- Regarding the measure that calls for 5% of all new parking structures be preferential spaces for carpools and zero emission vehicles (ZEVs):
    - For the Master Plan to achieve its stated modal hierarchy and VMT and emission reduction goals, the Plan can significantly increase the preferential parking space percentage. Page 2-38 of the Project Description states that the Plan would have a net increase of 174 spaces with one new parking structure. This Plan measure can also likewise expand the preferential space percentage in existing parking structures.
- As an alternative to the electrical receptacle measure for landscape equipment, the measure could have Cal Poly commit to using cordless landscape equipment and ensure that there are enough receptacles to enable staff to effectively charge spare batteries.
- The Plan can have Cal Poly commit to working with San Luis Obispo County, the City of SLO, Tri-County Regional Energy Network (3C-REN), etc. to determine if Cal Poly can fund and take GHG reduction credit for energy efficiency retrofits of local existing housing stock, commercial spaces, etc.
- The Plan can also have Cal Poly commit to rapidly implement energy efficiency retrofits for the many existing buildings on campus that will remain.
- Provide funding for local electric school/transit bus purchases, electrification of irrigation engines in SLO County, etc. These funds could be leveraged with SLO County APCD's locally

L4-11 cont.

[3] Shaena Ulissi and Shari Beth Libicki. (December 2019). *Greenhouse Gas Thresholds for Sacramento County.* Retrieved from http://www.airquality.org/LandUseTransportation/Documents/SMAQMDGHGThresholdsDraft2019-12-06.pdf

generated grant funding. The emission reduction could be partitioned between the two funding sources.

- Commit to transitioning the Cal Poly ZIP car fleet to fully electric vehicles (EVs).
- Accelerate the expansion of Cal Poly fleet vehicles to EVs.
- Accelerate the expansion of Level 2 EV chargers on campus to meet the anticipated demand at Cal Poly from the state's 2030 and future EV targets.
- Work with SLO Regional Rideshare to refine Cal Poly's use of the iRideshare trip reporting/incentive platform to assist in the APCD recommended expansion of Mitigation 3.13-1 to quantify campus wide modal hierarchy over time and to help the Plan meet its VMT and emission reduction goals.
- To help commute incentives more effectively change commute behavior to benefit VMT, emissions, and the modal hierarchy:
    - Expand faculty and staff daily benefits for using alternative transportation modes from $0.15/day to an effective amount.
    - Consider reducing the frequency between parking permit purchasing (e.g. weekly, monthly)
    - Consider increasing faculty and staff parking permit costs over time.
- Other measures that Cal Poly identifies.

If these additional measures are not enough to mitigate the project's annual GHG impacts below the threshold, then the APCD has the following recommendation for Cal Poly to improve Mitigation Measure 3.8-2: Purchasing GHG Offsets:

- Any offset purchased for the Master Plan should come from California generated GHG reductions.
- The cost of California based carbon is more than the DEIR listed offset prices. For example:
    - $15.00/MT CO2 - Apr 2019. See: https://www.nytimes.com/interactive/2019/04/02/climate/pricing-carbon-emissions.html
    - $16.68/allowance which is the Feb 2020 California Annual Auction Reserve Price and where an allowance is a MT of GHG emissions. See: https://ww3.arb.ca.gov/cc/capandtrade/auction/feb-2020/notice.pdf https://www.edf.org/sites/default/files/californias-cap-and-trade-program-step-by-step.pdf
    - California carbon pricing: http://documents.worldbank.org/curated/en/191801559846379845/pdf/State-and-Trends-of-Carbon-Pricing-2019.pdf
- While the APCD does not endorse individual offset programs, the following are some examples of California offset programs. Others may exist:
    - California Air Resources Board (CARB): https://ww3.arb.ca.gov/cc/capandtrade/offsets/offsets.htm#protocols
    - California American Carbon Registry: https://americancarbonregistry.org/california-offsets/california-offset-program
    - Climate Action Reserve: https://www.climateactionreserve.org/how/california-compliance-projects/
    - Climate Forward: https://climateforward.org/how-it-works/

L4-11 cont.

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) 781-5912.

Sincerely,

JACKIE MANSOOR
Air Quality Specialist

JNM/jjh

Attachment: California Poly Technic University (Cal Poly) Master Plan 2035 Notice of Preparation (NOP)

ATTACHMENT 1

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

October 27, 2016

Julie Hawkins, Campus Planner
Facilities Planning and Capital Projects
California Polytechnic State University
1 Grand Avenue
San Luis Obispo, CA 93407-0690

SUBJECT: California Poly Technic University (Cal Poly) Master Plan 2035
Notice of Preparation (NOP)

Dear Ms. Hawkins:

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 above referenced project. The proposed Master Plan provides a framework for implementation of the university's goals and programs by identifying needed facilities and improvements to accommodate a gradual growth in student enrollment projected to reach 22,500 full-time equivalent (25,000 head-count) students by 2035. *The following are APCD comments that are pertinent to this project.*

1. Contact Person:
   Melissa Guise
   Air Pollution Control District
   3433 Roberto Court
   San Luis Obispo, CA 93401
   (805) 781-4667

2. Permit(s) or Approval(s) Authority:
The air quality impacts from the operational and construction phases of projects that will be developed under the new Master Plan need to be evaluated and potentially mitigated as outlined in the District's California Environmental Quality Act (CEQA) Air Quality Handbook. A copy can be obtained from the District web page (http://www.slocleanair.org/rules-regulations/land-use-ceqa.php). This process should be referenced in the DEIR as a Master Plan mechanism for addressing air quality impacts. Equipment proposed for use at the time development is conducted, may require a District permit. However, no District permits will be required at this stage of the planning process.

The operational phase of a commercial or industrial project that is developed under the new Master Plan may require a District Permit to Operate and this is addressed at the project level evaluation.

3. Environmental Information:
The potential air quality impacts from construction and operational phases of the Master Plan should be assessed in the EIR. Development pursuant to the proposed Master Plan has the potential for significant impacts to local air emissions, ambient air quality, sensitive receptors, and the implementation of the Clean Air Plan (CAP). A complete air quality analysis should be included in the DEIR to adequately evaluate the overall air quality impacts associated with implementation of the proposed Master Plan. This analysis should address both short-term (construction) and long-term (operational) emissions impacts (including traditional air pollutants and greenhouse gas emissions). The following is an outline of items that should be included in the analysis:

a) A description of existing air quality and emissions in the impact area, including the attainment status of the APCD relative to State and Federal air quality standards and any existing regulatory restrictions to development. The most recent CAP should be consulted for applicable information and the APCD should be consulted to determine if there is more up to date information available.

b) A detailed quantitative air emissions analysis at the project scale is not relevant at this time.

c) A qualitative analysis of the air quality impacts should be conducted. A consistency analysis with the CAP will determine if the emissions resulting from development under the Community Plan will be consistent with the emissions projected in the CAP, as described in item 6 of this letter. The qualitative analysis should be based upon criteria such as prevention of urban sprawl and reduced dependence on automobiles. A finding of Class I impacts could be determined qualitatively. The DEIR author should contact the APCD if additional information and guidance is required. All assumptions used should be fully documented in an appendix to the DEIR.

    - To aid in the air quality analysis, the traffic study should include the total daily traffic volumes projected. The traffic study results can be used in the qualitative analysis by providing a tool for comparing trip generation between different alternatives and evaluating effectiveness of mitigation methods for reducing traffic impacts.

d) The DEIR should include a range of alternatives that could effectively minimize air quality impacts. A consistency analysis should be performed for each of the proposed alternatives identified, as described above. A qualitative analysis of the air quality impacts should be generated for each of the proposed alternatives.
e) Mitigation measures to reduce or avoid significant air quality impacts should be recommended. Or, mitigation measures to reduce air quality impacts from construction and operational phases to a level of insignificance should be specified.

4. Permit Stipulations/Conditions:
It is recommended that you refer to the "CEQA Air Quality Handbook" (the Handbook). If you do not have a copy, it can be accessed on the APCD web page (slocleanair.org) in the CEQA and Land Use section, listed under Rules & Regulations, or a hardcopy can be requested by contacting the APCD. The Handbook provides information on mitigating emissions from development (Section 5) which should be referenced in the DEIR.

5. Alternatives:
Any alternatives described in the DEIR should involve the same level of air quality analysis as described in bullet items 3.c and 3.d listed above.

6. Reasonably Foreseeable Projects, Programs or Plans:
The most appropriate standard for assessing the significance of potential air quality impacts for the Master Plan EIR is the preparation of a consistency analysis where the proposed project is evaluated against the land use goals, policies, and population projections contained in the CAP and local climate action plans. The rationale for requiring the preparation of a consistency analysis is to ensure that the attainment projections developed by the APCD and state requirements are met and maintained. Failure to comply with these plans could result in long term air quality impacts. The APCD's CEQA Air Quality Handbook provides guidance for preparing the consistency analysis and recommends evaluation of the following questions:

a) Is the rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?

b) Have all applicable land use and transportation control measures from the CAP been included in the plan or project to the maximum extent feasible?

The land use and circulation policy areas contained in Appendix E of the APCD's CAP are crucial to the consistency analysis and should be specifically addressed in the DEIR. Implementation of land use planning strategies is the best way to mitigate air quality impacts during the planning phase.

The land use planning strategies found in the APCD CAP include:

- Planning Compact Communities
- Providing for Mixed Land Use
- Balancing Jobs and Housing
- Circulation Management Policies and Programs
    - ✓ Promoting Accessibility in the Transportation System
    - ✓ Promoting Walking and Bicycling
    - ✓ Parking Management
    - ✓ Transportation Demand Management
    - ✓ Communication, Coordination and Monitoring

The formation of compact, pedestrian friendly and more economically self-sufficient communities will reduce automobile trip generation rates and trip lengths. Additionally, campus

sustainability measures and greenhouse gas reduction strategies should be discussed in this analysis.

7. Relevant Information:
As mentioned earlier, the Handbook should be referenced in the EIR for determining the significance of impacts and level of mitigation recommended.

8. Further Comments:
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) 781-5912.

Sincerely,

Melissa Guise
Air Quality Specialist

MAG/ihs

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SLOCOG
SAN LUIS OBISPO COUNCIL OF GOVERNMENTS

CONNECTING C
ARROYO GRANDE | ATASCADERO |
MORRO BAY | PASO ROBLES
SAN LUIS OBISPO | SAN LUIS

Letter
L5

February 3, 2020

Jeffrey Dumars
Associate Director of Environmental & Space Planning
Facilities Management and Development
Cal Poly
1 Grand Avenue
San Luis Obispo, CA 93407

Subject: Cal Poly 2035 Master Plan Draft Environmental Impact Report

State Clearinghouse #2016101003

Dear Mr.Dumars:

The San Luis Obispo Council of Governments (SLOCOG) appreciates the opportunity to review the Draft Environmental Impact (DEIR) for the Cal Poly 2035 Master Plan (Master Plan). The State of California and Federal Highways Administration designate SLOCOG as the Regional Transportation Planning Agency (RTPA) and the Metropolitan Planning Organization (MPO) for the region. While SLOCOG does not have permit or regulatory authority for land use proposals, SLOCOG is responsible for planning the long-term viability of the regional surface transportation system, and for programming funds to achieve the objectives of the Regional Transportation Plan and Sustainable Communities Strategy. SLOCOG received a Notice of Availability on the DEIR for the Cal Poly Master Plan on December 19, 2019.

SLOCOG staff review EIRs and Specific Plans to ensure positive outcomes in transportation choices, mobility, circulation, efficiency, safety and connectivity within and between our communities. SLOCOG's adopted the 2019 RTP (available online at https://slocog.org/2019RTP) includes a forecasted development pattern and intermodal transportation investment portfolio that meet greenhouse gas emission reduction targets specified by the California Air Resources Board. The 2019 RTP includes numerous principles, goals, and policies that were used to prepare the following comments; and is our blueprint for our future transportation system. It strives to enhance our quality of life, promotes more sustainable communities, and develops a comprehensive intermodal transportation system. L5-1

The proposed Master Plan includes 7,200 new student beds; an additional 1.29 million gross square feet of academic, administrative, and support space; 380 residential units for faculty/staff with supporting uses (retail and recreational space); and a 200-unit University-Based Retirement Community. In addition, 455,000 gross square feet existing aging or obsolete academic, administrative, and support space would be replaced with new facilities.

After reviewing the Cal Poly Master Plan DEIR, SLOCOG would like to see the document align more closely with the following 2019 RTP action strategies: L5-2

- Support residential development near existing employment centers.
- Develop an efficient, interconnected, network of streets, bikeways, walk ways and shared use paths that improve circulation, are easily navigable, meet the safety and mobility needs of all types of users and enhance connectivity to recreational areas, open space and trails, and promote economic vitality.
- Support local jurisdictions' efforts to improve connectivity between adjacent land uses.

The 2019 RTP strives to accommodate growth while improving quality of life for the region's residents. The modification addressing the following comments will contribute to the goal of fostering livable, healthy communities. SLOCOG respectfully submits the following transportation, safety, and housing comments. L5-2 cont.

TRANSPORTATION COMMENTS

Transportation Demand Management

SLOCOG supports Mitigation Measure (MM) 3.13-1 Transportation Demand Management (TDM) Plan. It is a strategy of the 2019 RTP to ensure consistency between long range plans; as well as help to expedite implementation of TDM measures and other transportation measures into these documents. SLOCOG recommends Cal Poly include SLO Regional Rideshare in the development of the TDM Plan. SLO Regional Rideshare is the region's expert in reducing the number of single occupant vehicles on San Luis Obispo County's roads and highways and making it easier for commuters to get to work or school.

When considering TDM measures that maximize or expand the efficiency of local or regional transit systems, **SLOCOG encourages Cal Poly to coordinate with the City of SLO, SLO Transit, SLORTA, and, when necessary, Caltrans, to assess the implementation transit operational improvements that reduce transit delay or decrease headways, including transit signal priority and transit only lanes.** The assessment of such transit operational improvements should consider the benefits to transit service efficiency as well as the impact to intersection traffic operations. Fair-share contributions toward transit capital purchases necessary for service expansion and associated operating costs should be identified specifically in the first bullet under Mitigation 3.13-1 (p. 3.13-13). SLOCOG suggests the following changes:

> Expand and/or maximize the efficiency of the local and regional public transit service. This includes coordination and fair-share contributions towards additional SLO Transit and SLORTA transit routes operational costs, and capital (e.g. rolling stock), as well as potential expansion of facilities (e.g., the Government Center transfer point), and zero-emission bus charging infrastructure.~~.~~

L5-3

To effectively accomplish MM 3.13-1, the TDM Plan should to include main activity points and roadways on the periphery of campus. Campus circulation is impacted by what is happening outside its boundaries. Through the TDM Plan, SLOCOG suggests calculating the impact of the suggested Vehicle Miles Traveled (VMT) reduction strategies as was done in the Greenhouse Gas (GHG) Impact 3.8-1 to understand the effectiveness of the measures.

Per an October 2019 transportation study on Cal Poly, students have become more likely to drive to campus as they get older and each entering class of students appears to be more car-dependent than previous entering classes. The study is available at https://transweb.sjsu.edu/research/1857-Moving-From-Walkability. As stated as a guiding principle of the Master Plan (Section 2.6.6), Cal Poly hopes to achieve a modal hierarchy shift to (1) walking, (2) biking, (3) transit, and (4) vehicles. With the findings from the 2019 study and Cal Poly's modal shift goal, SLOCOG suggests Cal Poly conduct a periodic performance evaluation of campus wide modal hierarchy over time to determine whether the mitigation measures are achieving the stated hierarchy as part of the TDM Plan implementation. This additional mitigation measure would help ensure the Master Plan's goals of VMT, GHG, criteria pollutant emission reductions are realized.

Chorro Valley Trail

A strategy of the 2019 RTP is to encourage partnerships to advance construction of pedestrian and bicycle enhancements on routes of national, statewide or regional significance like the Chorro Valley Trail. **SLOCOG suggests the DEIR include a bicycle and pedestrian projects list in the study area.** For example, the planned Rail Road Safety Trail extension and the Chorro Valley Trail. The Master Plan includes only part of the Chorro Valley trail L5-4

on the west campus section up to Stenner Creek Road. Our concern, shared with SLO County is that without a Chorro Valley Trail alignment called out in this Master Plan, the trail will never become the multi-modal connection it is planned to be. **Please identify a complete alignment for the Chorro Valley Trail through Cal Poly land with the preferred alignment through the Gold Tree Solar Farm to ensure this needed facility is recognized**.

SLOCOG suggests adding the full Chorro Valley Trail alignment as agreed by regional stakeholders as a mitigation measure to offset the increased long-term operational air pollution and emissions. As stated in the Chorro Valley Trail Study, segment 2A would be shared use on the existing farm road adjacent to the avocado orchard. A new trail segment would run south of Nelson Reservoir to Cheda Ranch driveway designed to avoid conflict with Cal Poly operations and would be fenced as needed to avoid disturbing adjacent uses. SLOCOG looks forward to continuing to coordinate with Cal Poly, County of San Luis Obispo, and other agencies on a strategy for further study and preliminary engineering of the Chorro Valley Trail on Cal Poly's campus. L5-4 cont.

Vehicle Miles Traveled (VMT)

Section 3.13 of the Draft EIR states that existing VMT (relative to 2018) for the San Luis Obispo region is 9,906,300 VMT, with a forecasted VMT of 12,700,000 in 2035. The Draft EIR notes that the SLOCOG Model was the appropriate model for use in VMT assessment; however, there is a discrepancy between VMT reported in the Draft EIR and the 2019 RTP. Modeling for the 2019 RTP demonstrated a VMT of 8,172,183 in 2015, a VMT of 8,017,992 in 2020, and a VMT of 8,824,650 in 2035. Staff recognizes that adjustments were made to the SLOCOG Model as specified in Appendix G, which would account for the conflicting VMT figures for both existing and forecasted conditions.

The Draft EIR identifies a VMT per service population of 22.61 for the region. Applying a 15% reduction, as recommended by the Governor's Office of Planning and Research, yields a VMT per service population threshold of 19.22. The Draft EIR demonstrates that the existing project plus project conditions would yield a VMT per service population of 24.26, which would exceed the VMT threshold of 19.22 and be determined to have a significant impact. Section 3.13-1 states that that Cal Poly shall develop and implement a TDM Plan that will reduce the VMT generated by campus employees, residents, and students by a minimum of 5.04 VMT per service population. A reduction of 5.04 VMT per service populations would reduce the project VMT per service population to 19.22, and the impact would be reduced to a less than significant level. The proposed TDM Plan as described within the Draft EIR identifies policies that could be used to reduce VMT, but does not identify any policies that will be implemented as part of the plan. **SLOCOG recommends Cal Poly identify specific policies and quantify how each policy will contribute to the 5.04 VMT per service population reduction as well as identify how the TDM Plan itself would achieve the 5.04 VMT per service population reduction.** L5-5

SAFETY COMMENTS

Safety

SLOCOG supports Mitigation Measure (MM) 3.13-3: Monitor Bicycle-Related Collisions to Implement Countermeasures Minimizing Potential Conflicts with Bicycle Facilities and suggests exploration in to automatic counters, or bike commuter counting programs through Regional Rideshare or industry standard technology. In the near term, **SLOCOG recommends Cal Poly coordinate with Caltrans and the City of SLO to address locations with known pedestrian and bicycle safety concerns, including the intersection of Boysen Avenue and State Route 1/Santa Rosa.** Boysen Avenue provides access to high-density student housing to the east and west of SR1/Santa Rosa, the University Square shopping Center, commercial areas located on Foothill Boulevard, and a northbound bus stop that provides service to Cal Poly. Mitigation measures should consider fair-share contribution toward infrastructure improvements, increased enforcement activities, and safety education programs. L5-6

Impact 3.3-5: Expose Sensitive Receptors to Substantial Increases in Toxic Air Contaminants (TAC) Emissions section states, "health risks associated with this source [co-generation facility] do not exceed the APCD's screening limit of L5-7

10 chances in a million for stationary sources." Per APCD, the facility of Cal Poly is currently undergoing a health risk assessment (HRA) because the facility has exceeded the APCD's prioritization score threshold of 10 chances in a million (maximum exposed individual from facility-wide emissions equal to or greater than one excess cancer per million population) for stationary sources. **SLOCOG suggests Cal Poly coordinate with APCD to revise this section.**

L5-7 cont.

HOUSING COMMENTS

2019 Regional Housing Needs Assessment (RHNA)

As of October 2019, the region is now working to fulfill the 2019 RHNA. The 2019 RHNA Plan is available at: https://slocog.org/programs/housing. The Cal Poly Master Plan EIR makes references to the 2013 Regional Housing Needs Allocation (RHNA) Plan on pages 3.11-2 and 3.11- 12. It should also be noted that while apartments built on Cal Poly count towards the unincorporated county's established target number of housing units to be built, the number of dormitories does not count towards the RHNA, as they are considered group quarters. SLOCOG supports the development of housing on Cal Poly's campus, as it aligns with the 2019 RTP action strategy to "support residential development that allows jurisdictions to meet housing allocations established in the 2019 Regional Housing Needs Allocation Plan." **SLOCOG recommends that the references to the 2013 RHNA be updated to reflect the 2019 RHNA.**

L5-8

Employee Housing

The 2019 RTP supports residential development near existing employment centers and Cal Poly is a large employment center. The previous version of the Cal Poly Master Plan included 1,470 facility and staff housing units and in the 2019 version, the number of units has been reduced to 390 units. Including more units for employees near/on campus is critical to improving the jobs-housing imbalance in the region and would help to offset the VMT impacts identified. **SLOCOG encourages the efforts to provide additional student, facility, and staff housing on campus property as this will promote a better jobs-housing balance, reduce vehicle miles traveled, and related greenhouse gas emissions.**

L5-9

Thank you again for providing SLOCOG the opportunity to review and comment on the Project and we wish you and all those involved success in moving the Project forward. SLOCOG looks forward to continuing to coordinate with Cal Poly, the City of San Luis Obispo, APCD, Caltrans, County of San Luis Obispo, and other agencies on a strategy to refine the data analysis and identify necessary solutions for the project's impacts.

If you have any questions or concerns, please contact Sara Sanders at (805) 597-8052 or ssanders@slocog.org.

Sincerely,

Pete Rodgers, Executive Director
San Luis Obispo Council of Governments

COUNTY OF SAN LUIS OBISPO
Department of Public Works
John Diodati, *Interim Director*

Letter
L6

February 3, 2020

EMAIL ONLY

Jeffrey Dumars
Associate Director of Environmental & Space Planning
Facilities Management and Development
Cal Poly
1 Grand Avenue,
San Luis Obispo, CA 93407

Subject: County of San Luis Obispo Department of Public Works Comments on the Cal Poly Master Plan 2035 Draft Environmental Impact Report

Dear Mr. Dumars:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Cal Poly Master Plan 2035. In 2003, after 3 years of development between the San Luis Obispo County Flood Control and Water Conservation District Zone 9 (Flood Control Zone 9 or FCZ 9), City of San Luis Obispo, Cal Poly, Caltrans and others, the San Luis Obispo Creek Watershed Waterway Management Plan (WMP) was completed. The WMP includes the development a hydrologic and hydraulic model of the entire SLO Creek watershed and provides direction and guidance for peak flow management, streambed maintenance, erosion control, water quality, ecological issues and more. For example, the WMP specifically identifies the elements of a drainage master plan or project-specific drainage plan, including storm events, intensities, runoff coefficients, etc. L6-1

The City and the County each have adopted and currently implement/utilize the WMP to ensure the health and viability of San Luis Obispo Creek watershed. Being set within the headwaters of multiple tributaries to SLO Creek, Cal Poly has a unique position in the watershed. We would like to encourage Cal Poly to use the WMP to guide future hydraulic analysis and to assess project-specific and regional impacts that could result from buildout of the Cal Poly Master Plan.

We have reviewed the DEIR and offer the following specific comments:

No.	DEIR Ref.	Comment	
1	3.9	The Hydrology and Water Quality section does not include a description of the WMP. We encourage Cal Poly to include the WMP as part of the "Local" Regulatory Setting.	L6-2
2	3.9-6	The "Regional Hydrology" Section should include a reference to the WMP.	L6-3
3	3.9-8	In the second paragraph of the "Groundwater Hydrology" Section, include a reference to the Groundwater Sustainability Plan (GSP) being developed by the San Luis Obispo Valley Basin GSA partners.	L6-4
4	3.9-12	In the "Thresholds of Significance" section, consider adopting a threshold of significance that references peak flows of the 2-yr, 10-yr, 50-yr and 100-yr exceeding the existing conditions, consistent with the WMP.	L6-5
5	3.9-15	Mitigation Measure 3.9-3 should include a reference to the policies and procedures of Volume III of the WMP.	L6-6
6	3.9-16	It is recommended that a Mitigation Measure 3.9-4c be included to require the preparation of a Drainage Master Plan for Cal Poly. The Drainage Master Plan would highlight the hydrologic and hydraulic constraints and propose site-specific and regional solutions to aid future development in not exceeding peaking flows in the creek, overflowing existing (City) storm drain infrastructure. The WMP provides a framework for such a Plan.	L6-7
7	3.9-18	It is recommended that the WMP be included in Impact 3.9-6 as implementation of the 2035 Master Plan has the possibility to conflict with the WMP.	L6-8

We look forward to review of the Final EIR prior to its certification. If you need clarification or additional information regarding any of the information provided above, please do not hesitate to contact me at klmiller@co.slo.ca.us or at (805) 781-5714.

Sincerely,

KEITH MILLER
Environmental Division Manager

File: 450.20.03

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Jeffrey K. Dumars

Letter L7

From: Geoff Straw <gstraw@slorta.org>
Sent: Monday, February 3, 2020 12:25 PM
To: Environmental Planning
Cc: Pete Rodgers (PRODGERS@SLOCOG.org)
Subject: Public Comments: 2035 Master Plan EIR (from SLO RTA)
Attachments: Cal Poly DEIR Transportation with SLO RTA comments.pdf

To Whom It May Concern:

Please find attached comments from the San Luis Obispo Regional Transit Authority regarding Section 3.13 Transportation and Appendix G. Beyond the comments included in the attached, the RTA has no further comments regarding the other sections of the DEIR, with the exception of the Cumulative Impacts section regarding Transit Service and Facilities; if the issues the RTA raised in the attached are not adequately addressed by the campus in the Final EIR, we do not believe the cumulative effects would be **Less than Significant** under section 4.3.13 Transportation. In particular, the RTA is principally concerned with the following: L7-1

1. Under the Roadway System discussion, the campus should provide additional analysis on safety (collisions and modal conflicts) and emissions at the three primary US-101 interchanges under the Project alternative. L7-2
2. Under the Environmental Impacts and Mitigation Measures section, subsection Cal Poly Master Plan, IP 15, the RTA recommends first-year on-campus students should not be permitted to bring a private automobile to campus to encourage non-motorized and transit modes. L7-3
3. Under the Environmental Impacts and Mitigation Measures section, subsection Cal Poly Master Plan, IP 29, the RTA recommends that Cal Poly commit to meeting the same zero-emission requirements for its planned shuttle program that are required for public transit agencies under the CARB ICT fleet rule. L7-4
4. Under Mitigation Measure 3.13-1, the RTA recommends the EIR address whether pre-paid fare-free access is being considered for Cal Poly affiliates using the regional RTA routes in addition to the existing program on SLO Transit fixed-routes. In addition, no funding agreement is currently in place for riders using the ADA complementary paratransit service (RTA Runabout) for campus affiliates. Further, suggesting Less than Significant is incongruous with not meeting the CSU standard of 15% reduction in VMT, particularly when the relatively few trips outside the City of San Luis Obispo (less than 15%) generate 35% of VMT under the Project alternative. This suggests that additional analysis is warranted. L7-5
5. Under Impact 3.13-2, the discussion should clearly state whether the new passenger facility would be served by both SLO Transit and the RTA. Further, the RTA recommends that the campus commit to incorporating technology solutions to enhance bus access (TSP, queue jumps, pedestrian controls, etc.). Further, the EIR should address financial commitments by the campus for both transit capital and operating subsidies to SLO Transit and the RTA. L7-6

Do not hesitate to call or email me if you need clarifications on the RTA's comments.

Geoff Straw
Executive Director
San Luis Obispo Regional Transit Authority
179 Cross Street
San Luis Obispo, CA 93401

805.781.4465 office
805.458.8216 mobile
www.slorta.org

3.13 TRANSPORTATION

This section identifies applicable regulatory requirements, describes the existing transportation system, and evaluates impacts pertaining to vehicle miles traveled (VMT); transit, bicycle, pedestrian, and facilities; roadway hazards; and emergency access resulting from implementation of the 2035 Master Plan. This section is primarily based on a VMT analysis prepared by Fehr & Peers in August 2019 to evaluate the effects of the 2035 Master Plan on VMT. The VMT impact analysis memo, data, and modeling are included as Appendix G.

When the Notice of Preparation (NOP) for the 2035 Master Plan was circulated in October 2016, level of service (LOS) was the metric by which physical environmental impacts related to transportation were evaluated. However, the California Natural Resources Agency has since amended CEQA statute and the State CEQA Guidelines, and as of December 28, 2018, VMT has replaced LOS as the appropriate metric for determining transportation impacts. For this reason, NOP comments received during the October 2016 scoping period that pertain to LOS analysis were considered but are not reflected in the analysis, as LOS is no longer the appropriate metric for determining physical environmental impacts. Cal Poly will continue to coordinate with the City and other jurisdictions regarding LOS with respect to maintaining target LOS established through policy in local planning documents. Other transportation-related comments that were received in response to the NOP included concerns regarding the need to expand bicycle and pedestrian facilities, trip reduction measures and their level of effectiveness, and impacts to local transit service. These issues are addressed in this section.

3.13.1 Regulatory Setting

FEDERAL

There are no federal laws or regulations addressing transportation and circulation that are relevant to the project.

STATE

Senate Bill 743

Senate Bill (SB) 743, passed in 2013, required the Governor's Office of Planning and Research (OPR) to develop new CEQA Guidelines that address traffic metrics under CEQA. As stated in the legislation (and Section 21099[b][2] of CEQA), upon adoption of the new CEQA Guidelines, "automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the [State] CEQA Guidelines, if any." The purpose of this change in CEQA is to lower VMT statewide, to encourage mixed-use development, and to encourage infill development.

OPR published its proposal for the comprehensive updates to the CEQA Guidelines in November 2017 which included proposed updates related to analyzing transportation impacts pursuant to SB 743. The Office of Administrative Law approved the updated CEQA Guidelines on December 28, 2018, and the changes are reflected in new CEQA Guidelines (Section 15064.3). Pursuant to the new CEQA Guidelines, VMT replaced congestion as the metric for determining transportation impacts. The Office of Administrative Law approved the updated CEQA Guidelines and lead agencies have an opt-in period until July 1, 2020 to implement the updated guidelines.

California State University Transportation Impact Study Manual

The CSU Transportation Impact Study Manual (TISM) was updated in March 2019 to provide guidance for the preparation of transportation impact assessments for projects on CSU campuses, including all lands owned by CSU, consistent with the SB 743 and the CEQA Guidelines update. The updated CSU TISM provides direction for analyzing transportation impacts relative to VMT, applicable significance thresholds, and recommended mitigation measures.

Projects that do not meet any of the VMT screening criteria described within the CSU TISM are required to determine if the project-generated VMT per service population (i.e., the sum of all residents, employees, and students) is less than 15 percent of the existing regional, sub-regional, or citywide VMT per service population to determine whether the project would result in any project-related significant VMT impacts (Fehr & Peers 2019). The CSU TISM also requires evaluation of the project's effect on VMT to demonstrate whether the project would result in an increase or decrease in the regional, sub-regional, or citywide VMT per capita which is used determine if the project would result significant cumulative impacts.

California State University Transportation Demand Management Manual

The CSU Transportation Demand Management (TDM) Manual (Nelson Nygaard 2012) addresses the unique transportation needs of different campuses and provide a system-wide framework for implementing sustainable transportation programs. The manual contains a set of goals, criteria, and best practices to guide the provision of programs, tools, and strategies that encourage students, faculty and staff to commute to and from campus via bus/rail transit, carpools, vanpools, bicycling and walking to lessen reliance upon single-occupant vehicle travel and reduce vehicle trips to campuses (Nelson Nygaard 2012). This manual is a resource designed to provide guidance in developing campus TDM plans and the associated programs and policies.

LOCAL

As detailed above, VMT replaces congestion (i.e., LOS) in the new CEQA Guidelines as the metric for determining automobile transportation impacts. Therefore, policies and objectives within local plans (e.g., City of San Luis Obispo General Plan) pertaining to LOS are not described herein or addressed within this section. However, local plans and policies as they relate to all other aspects of transportation as required under CEQA are summarized below.

Additionally, Cal Poly, as a state entity, is not subject to municipal regulations of surrounding governments for uses on property owned or controlled by Cal Poly that are in furtherance of the University's education purposes. However, Cal Poly may consider, for coordination purposes, aspects of local plans and policies for the communities surrounding the Master Plan Area when it is appropriate and feasible, but it is not bound by those plans and policies in its planning efforts.

San Luis Obispo Council of Governments 2019 Regional Transportation Plan

The San Luis Obispo Council of Governments (SLOCOG) is both a metropolitan planning organization and a regional transportation planning agency responsible for preparing and adopting a regional transportation plan (RTP) every four years. In response to this requirement, SLOCOG completed the 2019 RTP. The 2019 RTP outlines the region's transportation policies, programmed investments necessary to support growth expectations, and its overarching goals. The four primary elements of the 2019 RTP are as follows:

- The Policy Element includes a vision and goals, as well as action strategies necessary to attain the RTP's expectations.
- The Financial Element identifies the reasonably expected funding available for transportation investments through local, state, and federal funding sources.
- The Action Element describes all modes of travel, maintenance, investments, and improvements.
- The Sustainable Communities Strategy identifies how to accommodate the region's new and expected growth (SLOCOG 2019).

City of San Luis Obispo General Plan

The City of San Luis Obispo General Plan guides the use and protection of various resources to meet community purposes. The Circulation Element of the General Plan describes how the City plans to provide for the transportation of people and materials within San Luis Obispo with connections to county areas and beyond (City of San Luis Obispo 2014). The following General Plan Circulation Element policies pertain to traffic and transportation.

- **Policy 3.1.1: Transit Development.** The City shall encourage transit accessibility, development, expansion, coordination and marketing throughout San Luis Obispo County to serve a broad range of local and regional transportation needs.
- **Policy 3.1.4: Campus Service.** The City shall continue to work with Cal Poly to maintain and expand the "fare subsidy program" for campus affiliates. The City shall work with Cuesta College and other schools to establish similar programs.
- **Policy 3.1.7: Transit Service Access.** New development should be designed to facilitate access to transit service.
- **Policy 4.1.1: Bicycle Use.** The City shall expand the bicycle network and provide end-of-trip facilities to encourage bicycle use and to make bicycling safe, convenient and enjoyable.
- **Policy 4.1.2: Campus and School Site Trips.** The City shall encourage the use of bicycles by students and staff traveling to local educational facilities.
- **Policy 4.1.13: Campus Coordination.** The City shall consider the Cal Poly and Cuesta Master Plans to better coordinate the planning and implementation of safe and convenient bicycle access and facilities to local college campuses.
- **Policy 6.1.1: Complete Streets.** The City shall design and operate city streets to enable safe, comfortable, and convenient access and travel for users of all abilities including pedestrians, bicyclists, transit users, and motorists.

City of San Luis Obispo Bicycle Transportation Plan

The City of San Luis Obispo Bicycle Transportation Plan guides the planning, development, and maintenance of bicycle facilities and activities within the corporate limits of the city. Additionally, the plan represents the City's official policy for the design and development of bikeways in adjoining territory under County jurisdiction but within San Luis Obispo's Urban Reserve, or the anticipated outward limit of City growth. The plan describes the existing bicycle transportation network and facilities, presents the goals, objectives, and policies, and includes a list of projects and implementation measures intended to improve the City of San Luis Obispo cycling environment in the future.

San Luis Obispo Regional Transit Authority Short Range Transit Plan

The San Luis Obispo Regional Transit Authority (SLORTA) Short Range Transit Plan (SRTP) presents a 5-year plan intended to provide a detailed business plan to guide the transit organization over the coming years. The SLORTA SRTP is a comprehensive plan which details the planned service improvements, capital improvements, management and financial strategies, and implementation plan. The SLORTA SRTP includes the recommendation of expansion of service times and frequency along routes that access campus, including a mid-day weekday express service which is recommended to be implemented along Route 10 (a route with a stop at the Cal Poly Kennedy Library).

San Luis Obispo Transit Short Range Transit Plan

The San Luis Obispo Transit (SLO Transit) SRTP presents a 5-year plan which includes a review of demographics and its transit needs, a series of surveys and ridership counts conducted for all SLO Transit services, a review of the effectiveness and efficiency of existing services, a review of similar systems, analysis of a wide range of options, and the results of public input processes (LSC Transportation Consultants 2016). The SLO Transit SRTP was prepared jointly with the SLORTA SRTP in order to identify means to best coordinate the two services. The SLO SRTP is a comprehensive plan which details the planned service improvements, capital improvements, management, and financial strategies. The proposed service plan in the SLO Transit SRTP includes the realignment on the existing route structure designed to improve on-time performance by building more layover time into the routes, increases service frequency in the key neighborhoods near campus and to/from downtown, provides service to new neighborhoods and employment opportunities, and provides flexibility to expand services in the future to serve new developments.

Summary of Comments on Draft Environmental Impact Report

Page:

Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 8:38:27 AM

The RTA recommends that each summary include the year of adoption (2016 for the RTA SRTP); the same goes for the as well as for the Bike plan above and the SLO Transit SRTP below.

L7-7

Number: 2 Author: gstraw Subject: Highlight Date: 2/3/2020 8:39:13 AM

As shown throughout the SRTP, the San Luis Obispo Regional Transit Authority uses the acronym "RTA." The RTA has expended a lot of marketing resources over the past several years to transition from the term "SLORTA" to "RTA," and we respectfully request that only RTA be used throughout the EIR documents.

L7-8

3.13.2 Environmental Setting

The study area for transportation-related impacts extends beyond the Master Plan Area and was developed in consultation with City and California Department of Transportation (Caltrans) staff and was based on consideration of the project's expected travel characteristics (including number of vehicle trips and directionality of those trips), primary travel routes, mode split, and other considerations.

ROADWAY SYSTEM

U.S. Highway 101 (US 101) is a major north-south facility connecting California, Oregon, and Washington. In San Luis Obispo County, US 101 is classified as a Principal Arterial, acting as the primary regional connector for cities in the north, such as Paso Robles, Templeton, and Atascadero, to the City of San Luis Obispo, as well as to communities in the south, including Arroyo Grande, Grover Beach, Pismo Beach, and Nipomo. Near the study area, US 101 is a four-lane freeway with on and off ramps at California Boulevard and additional access ramps at Buena Vista Avenue, Grand Avenue, and Monterey Street.

Santa Rosa Street (State Route [SR] 1) is a north-south facility connecting Northern California to Southern California along the Pacific coastline. The facility also serves as a regional connector to Morro Bay, Los Osos, and Cayucos with four lanes in the study area. Santa Rosa Street (SR 1) connects to US 101 via access ramps at Olive Street and Walnut Street.

California Boulevard is a north-south arterial road connecting campus to US 101. California Boulevard is primarily three to four lanes wide; however, it narrows to two lanes north of the Campus Way entrance. California Boulevard is one of the three primary campus gateways.

Grand Avenue is a north-south, four-lane arterial road that provides access into campus at its intersection with Slack Street; north of Slack Street it is a two-lane local road. Grand Avenue connects surrounding residential areas and the University with US 101. Grand Avenue is one of the three primary campus gateways.

Highland Drive is an east-west, two-lane road defined as a residential collector west of Chorro Street and an arterial east of Chorro Street. Highland Drive connects residential areas and the University to Santa Rosa Street (SR 1). Highland Drive is one of the three primary campus gateways.

Boysen Avenue is two-lane local road running east-west from Chorro Street to Santa Rosa Street (SR 1).

Broad Street is a north-south, two-lane collector and arterial road. Throughout the study area, it is a residential collector. Broad Street connects the residential areas to the north and the downtown core to the south. Broad Street terminates at its intersection with Foothill Boulevard to the north. South of South Street, Broad Street becomes Highway 227.

Chorro Street is a north-south, two-lane collector and arterial road. In the study area, Chorro Street is a residential collector. Chorro Street terminates at Highland Drive and at Broad Street and connects residential uses with downtown San Luis Obispo.

Foothill Boulevard is an east-west, two- to four-lane road. West of its intersection with Broad Street, it is classified as a residential arterial, between Broad Street and California Boulevard, it is classified as an arterial, and east of California Boulevard it is a local road. Foothill Boulevard is a main connection between the residential areas to the west, Santa Rosa Street, and Cal Poly to the east.

Monterey Street is an east-west, two-lane arterial. Monterey Street connects US 101, Grand Avenue, California Boulevard, and Santa Rosa Street to Downtown San Luis Obispo.

Slack Street is an east-west, two-lane residential road running parallel to the southern border of campus. Temporary two-hour on-street parking is available along the north side of Slack Street.

Taft Street is an east-west, two-lane collector road. Taft Street connects southbound US 101 traffic to the University and other commercial and residential areas via California Street.

Page: 4

Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 8:39:28 AM
The RTA notes that Templeton is not an incorporated city; maybe use the term "communities" instead of "cities" in this section? L7-9

Number: 2 Author: gstraw Subject: Highlight Date: 1/31/2020 9:15:47 AM

Number: 3 Author: gstraw Subject: Highlight Date: 2/3/2020 8:42:13 AM
The RTA is concerned that the analysis in this chapter does not address safety and emissions that would be impacted by growth at the Cal Poly campus. More specifically, by leading with this interchange, is Cal Poly suggesting that the California Boulevard interchange is the principal US-101 access to/from the campus? If so, it seems prudent that the campus should pay for improvements at this interchange as the campus grows, since the interchange backs up onto NB US101 on occasion and causes a lot of idling while motorists wait for traffic gaps on California Boulevard. The RTA suggests that the EIR include a collision and emissions analysis at these three interchanges. L7-10

TRANSIT SYSTEM

Cal Poly has three transit stops on campus located at North Perimeter Road and University Drive adjacent to Kennedy Library, Grand Avenue at North Perimeter Road near the Performing Arts Center, and Highland Drive at Mt. Bishop Road. The stops located in front of Kennedy Library and near the Performing Arts Center are served by both the City of SLO Transit and the SLORTA. The stop located near the intersection of Highland Drive and Mt. Bishop Road is served by SLO Transit.

SLO Transit operates up to seven fixed-hour bus routes in the vicinity of the campus and study area which are summarized below:

- Route 3A is a weekday and weekend bus service that operates on a loop around the city, beginning and ending at the Downtown Transit Center. This route acts as a primary connector between campus and residential areas along Foothill Boulevard and Los Osos Valley Road, commercial areas along Madonna Road, and downtown San Luis Obispo. Route 3A enters and exits campus via California Boulevard, with one stop at Kennedy Library. Route 3A has three separate service schedules: 1) the weekend service schedule, running from 8:15 a.m. – 8:20 p.m. with 60-minute headways; 2) the weekday academic service schedule, running from 6:00 a.m. – 11:10 p.m., with alternating 15- and 30-minute headways from 6:00 a.m. – 12:15 p.m., followed by 60-minute headways; and 3) the weekday summer service schedule, running from 6:00 a.m. – 8:20 p.m. with 60-minute headways.
- Route 3B is a weekday-only bus service that operates along the same loop as Route 3A but in the opposite, outbound direction. Route 3B enters and exits campus via California Boulevard, with one stop at Kennedy Library. Route 3B operates on 60-minute headways and has two different service schedules: 1) the weekday academic service schedule, running from 6:45 a.m. – 10:30 p.m., with six additional buses at the hour from 1:00 p.m. – 6:00 p.m.; and 2) the weekday summer service schedule, running from 6:45 a.m. – 6:40 p.m.
- Route 4A is a weekday and weekend bus service that operates along a loop around the northeast portion of the City of San Luis Obispo, connecting the University with residential neighborhoods west of Santa Rosa Street (SR 1) and the downtown core. Route 4A begins and ends at the Downtown Transit Center. Route 4A enters the campus via Highland Drive and exits via Grand Avenue, with stops at the Kennedy Library and the Performing Arts Center. Route 4A operates on 45-minute headways and has three separate service schedules: 1) the weekend service schedule, running from 8:15 a.m. – 8:06 p.m.; 2) the weekday academic service schedule, running from 6:00 a.m. – 11:00 p.m.; and 3) the weekday summer service schedule, running from 6:00 a.m. – 8:06 p.m.
- Route 4B is a weekday-only bus service that operates along the same loop as Route 4A but in the opposite, outbound direction. Route 4B stops at Kennedy Library, the Performing Arts Center, and near the intersection of Highland Drive and Mt. Bishop Road. Route 4B enters the campus via Grand Avenue and exits via Highland Drive. Route 4B operates on 45-minute headways and has two different service schedules: 1) the weekday academic service schedule, running from 6:15 a.m. – 10:30 p.m.; and 2) the weekday summer service schedule, running from 6:15 a.m. – 6:40 p.m.
- Highland Tripper is a weekday-only bus service with three trips per day connecting the Ramona, Foothill, and Highland residential areas to the campus. The Highland Tripper begins in the Ramona residential area and ends at Kennedy Library. The Highland Tripper enters the campus via Highland Drive and exits via California Boulevard. It has 30-minute headways and service spans from 7:45 a.m. – 9:00 a.m.
- Laguna Tripper is a weekday-only bus service with two trips per day that connects Laguna Middle School and the residential and commercial areas along Los Osos Valley Road with the Foothill neighborhood and downtown core. On Monday mornings, it runs from 8:50 – 9:15 a.m., while on the remaining weekdays, it runs from 7:35 a.m. – 8:00 a.m. In the mornings, the Laguna Tripper begins at the Downtown Transit Center and ends at the intersection of Los Osos Valley Road and Froom Ranch Way. On all weekday afternoons, it runs from 3:10 – 3:40 p.m., beginning at the intersection of Los Osos Valley Road and Auto Park Way and ending at the Downtown Transit Center.

- Route 6 Express (Route 6X) is a Thursday-only bus service that operates along a loop from the downtown core to campus, entering from California Boulevard and exiting via Grand Avenue. Route 6X begins and ends at the Downtown Transit Center, stopping at the Performing Arts Center. Route 6X operates on 30-minute headways and runs from 6:00 – 9:20 p.m. This route was only in service from September 20, 2018 to November 15, 2018.

Cal Poly funds an annual subsidy to SLO Transit that grants Cal Poly students, faculty, and staff free ridership. From July 2017 to June 2018, Cal Poly riders accounted for nearly 580,000 total trips, constituting over 61 percent of the total SLO Transit ridership.

SLORTA operates three fixed bus routes in the vicinity of the campus and study area:

- Route 9 and Route 9 Express connect campus to North County areas, including Santa Margarita, Atascadero, Templeton, Paso Robles, and San Miguel. Service to campus on weekdays includes five southbound arrivals at Kennedy Library between 6:10 a.m. and 8:11 a.m., four of which are express, and six northbound departures from Kennedy Library at between 4:21 p.m. and 8:40 p.m., two of which are express. On weekends, there is only one northbound trip per day departing from Kennedy Library in the evening and no southbound trips departing from campus.
- Route 10 Express (Route 10X) and Route 10 Orcutt Express connects campus to South County areas, including Pismo Beach, Arroyo Grande, Nipomo, Santa Maria, and Orcutt. Route 10X has one trip per day that serves campus, with the northbound trip from South County arriving at Kennedy Library at 6:49 a.m. and the southbound trip departing from Kennedy Library at 5:15 p.m. Route 10 Orcutt Express also has one run a day that serves campus, with the northbound trip arriving at Kennedy Library at 7:12 a.m. and the southbound trip departing from Kennedy Library at 4:08 p.m.
- Route 12 connects Los Osos and Morro Bay to Cuesta College, campus, and downtown San Luis Obispo. Service to Cal Poly runs once a day, with the southbound trip arriving at Kennedy Library at 7:30 a.m. and the northbound trip departing from Kennedy Library at 5:20 p.m.

Additionally, Amtrak buses pick up and drop off at Cal Poly at the Amtrak San Luis Obispo - Cal Poly stop and provide supporting train connections to most northbound, southbound, and the San Joaquin Valley trains.

BICYCLE AND PEDESTRIAN NETWORK

Bicycle Facilities

Bicycle facilities in the study area consist of Class I, II, and III bikeways. The bikeway facility classification system is described as follows:

- **Class I bikeways** are facilities with exclusive right-of-way for bicyclists and pedestrians, away from the roadway and with cross flows by motor traffic minimized. In some areas, pedestrian facilities are separated from the bikeway.
- **Class II bikeways** are bike lanes established along streets and are defined by pavement striping and signage to delineate a portion of a roadway for bicycle travel.
- **Class III bikeways** are shared routes for bicyclists on streets with motor traffic not served by dedicated bikeways to provide continuity to the bikeway network.

The existing bikeways in the project vicinity are described as follows:

- California Boulevard has a Class I bike path along the western side from Taft Street to Alex G. Spanos Stadium which connects the campus to the City of San Luis Obispo bicycle network. The remaining portion of the western segment, as well as the entire eastern segment of California Boulevard, has Class II bike lanes.
- Foothill Boulevard has Class II bike lanes on both sides of the road west of California Boulevard. East of California Boulevard to Campus Way there is an eastbound Class II bike lane, and a Class III bikeway in the westbound direction.

Page: 6

Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 8:42:41 AM
It might be worthwhile mentioning that the RTA provides bike racks on the front and rear of its fixed-route buses, which accommodate up to six bikes simultaneously (SLO Transit only provides front racks). This provides important last-mile access to and from the RTA buses. L7-11

Number: 2 Author: gstraw Subject: Highlight Date: 2/3/2020 8:43:14 AM
The RTA recommends the language be changed to:

"...Route 9 Express (Route 9X) connect..." L7-12

Number: 3 Author: gstraw Subject: Highlight Date: 2/3/2020 8:43:27 AM
The RTA recommends the language be changed to:

"three" L7-13

Number: 4 Author: gstraw Subject: Highlight Date: 1/31/2020 9:40:22 AM

Number: 5 Author: gstraw Subject: Highlight Date: 2/3/2020 8:43:36 AM
The RTA recommends the language be changed to:

"eight" L7-14

Number: 6 Author: gstraw Subject: Highlight Date: 2/3/2020 8:43:47 AM
The RTA recommends the language be changed to:

"2:21" L7-15

Number: 7 Author: gstraw Subject: Highlight Date: 2/3/2020 8:44:27 AM
The RTA recommends the language be changed to:

"arriving at" L7-16

Number: 8 Author: gstraw Subject: Highlight Date: 2/3/2020 8:45:03 AM
The RTA recommends the language be changed to:

"... Express begins at the Hagerman Park-n-Ride lot in Orcutt also..." L7-17

Number: 9 Author: gstraw Subject: Highlight Date: 2/3/2020 8:45:20 AM
The RTA recommends the language be changed to:

"One Route 12 commuter roundtrip is provided during weekdays, ..." L7-18

Number: 10 Author: gstraw Subject: Highlight Date: 2/3/2020 8:45:53 AM
The RTA recommends the language be changed to:

"... at 5:20 p.m. Hourly Route 12 service is provided to the bus stop pair on Santa Rosa Street at Foothill Boulevard, which is a 0.9 mile walk or bicycle ride from the Kennedy Library. Route 14 service, which is partially funded by the Cuesta Community College District, provides "tripper" service between downtown San Luis Obispo and the Cuesta Campus during peak academic periods." L7-19

- Grand Avenue has Class II bike lanes from the northerly to southerly terminus.
- Highland Drive is designated as a Class III bike route from Patricia Drive to Ferrini Road. East of Ferrini Road, there are Class II bike lanes to the easterly terminus.
- Santa Rosa Street (SR 1) has Class II bike lanes on both sides of the road south of Highland Drive.
- Broad Street, Chorro Street, Slack Street, and Monterey Street are all designated as Class III bike routes in the study area. There are no existing bikeways on Boysen Avenue or Taft Street.

Pedestrian Facilities

Pedestrian facilities within the study area include sidewalks, crosswalks, and pedestrian signals. Existing pedestrian facilities at study intersections within the project study area are summarized below:

- N4 Project Driveway/Santa Rosa Street (SR 1): No marked crosswalks or pedestrian facilities.
- Highland Drive/Santa Rosa Street (SR 1): Traffic signal with crosswalks and pedestrian signal on west and south legs only. No sidewalks north of the intersection on Santa Rosa Street or east of the intersection on the north side of Highland Drive.
- Boysen Avenue/Santa Rosa Street (SR 1): No marked crosswalks.
- Foothill Boulevard/Broad Street: No crosswalk or pedestrian signal on east leg. Intersection of Foothill Boulevard/Chorro Street is located approximately 200' east of the intersection.
- Foothill Boulevard/Chorro Street: No crosswalk or pedestrian signal on west leg. Intersection of Foothill Boulevard/Broad Street is located approximately 200' west of the intersection.
- Foothill Boulevard/Santa Rosa Street (SR 1): Crosswalks, pedestrian signals and sidewalks are located on all legs.
- Foothill Boulevard/California Boulevard: No crosswalk or pedestrian signal on north leg. Signal has a bike phase.
- Taft Street/California Boulevard: No marked crosswalks.
- US 101 NB Ramps/California Boulevard: No marked crosswalks.
- Slack Street/Grand Avenue: Marked crosswalks on all legs.
- Loomis Street/US 101 SB On-Ramp/Grand Avenue: Marked crosswalk on US 101 On Ramp.
- US 101 NB Ramps/Abbott Street/Grand Avenue: No crosswalk or pedestrian signal on north leg.
- Monterey Street/Grand Avenue: No marked crosswalks on the north, south, or west legs. However, all legs have pedestrian signals.

Existing pedestrian facilities on study area roadways within the project study area are summarized below:

- Grand Avenue (Slack Street to Monterey Street): Continuous sidewalk on both sides of roadway.
- Slack Street (Longview Lane to Grand Avenue): Continuous sidewalk on south side of roadway, no sidewalk on north side of roadway.
- Foothill Boulevard (Broad Street to Carpenter Street): Continuous sidewalk on both sides of roadway.
- California Boulevard (Foothill Boulevard to US 101): Continuous sidewalk or Class I path on both sides of roadway.

Page: 7

Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 8:46:30 AM

The RTA notes that it might be worthwhile to discuss the pathway from this intersection to the pedestrian crossing at Spanos Stadium on California. It is an important connection from the RTA Route 12/14 bus stops on Santa Rosa near Foothill.

L7-20

Existing bicycle and pedestrian volumes per day in the vicinity of the Master Plan Area are shown in Table 3.13-1.

Table 3.13-1 Existing Bicycle and Pedestrian Volumes

Roadway	From	To	Average Daily Volume (Existing Conditions) Bicyclists	Average Daily Volume (Existing Conditions) Pedestrians
Grand Avenue	Slack Street	US 101 Northbound	532	639
E Foothill Boulevard	California Boulevard	Santa Rosa Street	1,344	1,806
California Boulevard	Campus	E. Foothill Boulevard	656	603
California Boulevard	E. Foothill Boulevard	Hathway Avenue	562	505
Railroad Safety Trail (along California Boulevard)	Campus	E. Foothill Boulevard	918	499
Railroad Safety Trail (along California Boulevard)	E. Foothill Boulevard	Hathway Avenue	1,517	1,230
Highland Drive	Mount Bishop Road	Santa Rosa Street	831	639

Source: City of San Luis Obispo 2019a

TRAVEL SAFETY

The Master Plan Area is located adjacent to and north of the City of San Luis Obispo, which tracks travel safety and collision information as part of its ongoing Annual Traffic Safety Program. Based on the data collected each year, the City provides recommendations for future safety improvements in areas where collisions involving vehicles, bicyclists, and pedestrians occur. Eighty-five percent of incidents/collisions in the city since 2013 involved solely vehicles, with the remaining involving either a bicycle (10 percent) or a pedestrian (5 percent) (City of San Luis Obispo 2018). The average number of traffic collisions per year has generally been decreasing, from a 5-year average in 2015 of 572 collisions per year to a 5-year average in 2017 of 525 collisions per year (City of San Luis Obispo 2016a, 2018). In addition, the proportion of collisions by travel mode (i.e., vehicle, bicycle, pedestrian) exhibits a decrease in the percentage of bicycle-related collisions (City of San Luis Obispo 2016a, 2018). With respect to pedestrian-related collisions, between 3 and 5 pedestrian-related collisions per year have occurred within a half-mile of campus over the past three years, with one fatal collision in 2016 at the intersection of Foothill and California Boulevards. No locations in the vicinity of campus have experienced more than one collision per year (City of San Luis Obispo 2016a, 2016b, 2018). With respect to bicycle-related collisions, between 12 and 16 bicycle-related collisions per year have occurred within a half-mile of campus over the past three years. None of the bicycle-related collisions resulted in fatality, per City data (City of San Luis Obispo 2016a, 2016b, 2018). However, the City, based on data collected, has identified Foothill Boulevard, generally between California Boulevard and Tassajara Drive as having a high collision rate for all travel modes (City of San Luis Obispo 2018).

3.13.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

The estimated regionwide VMT and project-generated VMT was calculated using the SLOCOG regional traffic model. The SLOCOG regional traffic model uses land use alternatives as an input and, using San Luis Obispo region's transportation network, produces analysis outputs such as VMT through trip assignments to meet the demands of those land uses.

The project-generated VMT calculated by the SLOCOG regional traffic model accounts for all vehicle trips, and all trip purposes and types, and is calculated by adding the VMT originating from and traveling to the Master Plan Area. Additionally, the SLOCOG regional traffic model accounts for VMT generated by the following trip types as follows:

- Internal to Internal Trips: The full length of all trips made entirely within the geographic area limits is counted.
- Internal to External Trips: The full length of all trips with an origin within the geographic area and destination outside of the area is counted.

- External to Internal Trips: The full length of all trips with an origin outside of the geographic area and destination within the area is counted.

The SLOCOG regional traffic model considers both intra-zonal VMT and VMT between traffic analysis zones, and adjustments were made to the modeling outputs to more accurately predict campus-related travel. The intra-zonal VMT and VMT between traffic analysis zones, or TAZs, that are both in the study area are double counted. To account for this, the project-generated VMT is divided by the service population (residential population, employment population, and student population), the generators of both trip ends of the VMT. Additional details related to this adjustment to the model are provided in Appendix G.

The methodology for establishing a VMT significance threshold for the project is consistent with and based on the guidance provided by the CSU TISM. As detailed in the CSU TISM, and consistent with the OPR Technical Advisory, a project that does not achieve a VMT reduction of 15 percent below existing regional, sub-regional, or citywide VMT per capita would result in a significant transportation impact.

The SLOCOG regional traffic model was used to quantify existing VMT per service population for the San Luis Obispo County region as a whole. As shown in Table 3.13-2 the existing VMT per service population for San Luis Obispo County is 22.61. For the purposes of this evaluation and by applying the CSU TISM and OPR Technical Advisory recommended methodology, if the project-generated VMT per capita for the campus as a whole with implementation of the 2035 Master Plan exceeds 19.22 (i.e., 22.61*.85=19.22), a significant transportation impact would occur.

In addition, the SLOCOG modelling assumptions results in a more conservative analysis of VMT and potential VMT per capita in comparison to the assumptions used in the City of San Luis Obispo's model. Use of the City's VMT model in this analysis would have considered land use information inherent to the citywide model, which accounts for additional vehicle travel efficiencies associated with increased density within the city. If the City's model was applied to the 2035 Master Plan, it would likely result in a lower estimate of VMT for the campus. For example, the SLOCOG model anticipates that countywide VMT would be approximately 12,700,000 VMT in 2035 versus 12,000,000 VMT that would be anticipated using the City's VMT model (City of San Luis Obispo 2019b). This represents a difference of approximately 6.5%. The increased VMT estimates under the SLOCOG model are partly attributable to the region's strong rural character with urban areas that are linked by north-south transportation corridors (US 101, SR 1, SR 227) (SLOCOG 2019). That is, the campus community's geographic distribution and the nature of campus uses (e.g., high proportion of on-campus housing, relatively high use of alternative transportation) would generate lower VMT per capita as compared to the SLOCOG region as a whole. Nonetheless, because there are students, faculty and staff who reside off-campus and outside the City of San Luis Obispo, use of the SLOCOG model was considered the most conservative and therefore appropriate model.

Table 3.13-2 Existing VMT

	Existing Conditions
Campus	
Vehicle Miles Traveled (A)[1]	957,900
Service Population (B)[1,2]	32,840
VMT per Service Population (A/B = C)	29.17
San Luis Obispo County	
Vehicle Miles Traveled (D) [1]	9,906,300
Service Population (E)[1,2]	438,100
VMT per Service Population (D/E = F)	22.61

Notes:

[1] Rounded service population and VMT to nearest 10.

[2] Service population is defined as the sum of all employees, residents and students.

Source: Data compiled and provided by Fehr & Peers 2019.

Cal Poly 2035 Master Plan

The following "Guiding Principles" were developed early on in the process by the 2035 Master Plan professional team with input from campus leadership, including the college deans, and considering continuity with the 2001 Master Plan. Guiding Principles can be thought of both as starting points for the plan process and as overarching directives relevant to all or most Master Plan topics. The following principles are relevant to air quality:

- **Guiding Principle (GP) 13:** Access to an around campus should be safe, efficient and effective for all modes, while shifting to an active transportation system that gives priority to walking, bicycles, emerging mobility technologies, and transit over cars.
- **GP 16:** Cal Poly should consider potential impacts – including but not limited to traffic, parking, noise, and glare – on surrounding areas, especially nearby single-family residential neighborhoods, in its land use planning, building and site design, and operations.
- **Academic Mission and Learn by Doing (AM) 03:** Instructional facilities (apart from outdoor teaching and learning areas) should be located within a 10-minute walk in the campus Academic Core.
- **Design Character (DC) 05:** The design of campus facilities should maintain and incorporate a pedestrian sense of scale.
- **DC 06:** The Academic Core should be primarily pedestrian oriented with simple, cohesive and straightforward pedestrian circulation and appropriate amenities, scale, and design at the ground level.
- **DC 08:** Services with frequent off-campus interaction should be located close to off-campus circulation routes and parking facilities.
- **DC 11:** Campus design and wayfinding should reflect an enhanced connection to, and interaction with, the surrounding City of San Luis Obispo.
- **Implementation Program (IP) 04:** Cal Poly should consider potential impacts – including but not limited to traffic, parking, noise, and glare – on surrounding areas, especially nearby single-family residential neighborhoods, in its land use planning, building and site design, and operations.
- **IP 11:** Educational programs that promote safety in all modes should be improved and better directed to target audiences.
- **IP 12:** Cal Poly should incorporate pedestrian, bicycle and transit plans into a comprehensive and updated multi-modal active transportation plan designed consistent with leading standards.
- **IP 13:** Cal Poly should be a national leader in multi-modal transportation best practices, related research and technology transfer, and should develop a multidisciplinary center or institute focused on transportation issues including planning, research and modeling actual practices.
- **IP 14:** As a regional leader in fostering active transportation, Cal Poly should partner with local, regional and national public and private organizations (including but not limited to the City, County, Caltrans, SLOCOG, RTA, Amtrak, and Union Pacific Railroad) to make San Luis Obispo a model for modal shift from single occupancy autos to a complete active transportation system.
- **IP 15:** Cal Poly should strengthen policies that discourage people from bringing cars to campus, especially for first- and second-year students living on-campus, and other students who reside on or near campus, and should concurrently provide the services, infrastructure and incentives for using active transportation options so that most students will not want a car.
- **IP 16:** Education, incentives and the use of emerging technologies such as dynamic matching should all be supported and utilized to improve ridesharing and the choice of active transportation modes.
- **IP 17:** Educational and information campaigns related to modal shift should be compelling, consistent, effective and across multiple media.

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Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 9:26:29 AM

Regarding IP15, the RTA recommends that first year on-campus students should be barred from bringing a private automobile to the campus to encourage use of non-motorized and transit modes. Those students who experience a hardship, could seek a waiver. This policy is successful at the UC campuses and at most other desirable universities that are located in land-constrained areas.

L7-21

- **IP 18:** Measurable objectives should be established to track progress toward shifting modes to an active transportation system including social science metrics related to attitudinal as well as behavior shifts.
- **IP 19:** For the desired modal shift to be expeditiously implemented, more robust and sustainable funding sources must be identified.
- **IP 20:** Cal Poly should partner with the City to help develop off-campus bicycle improvements as prescribed in the City's bike plan and that improve connections between the campus and community.
- **IP 21:** Convenient bicycle routes throughout the campus, as well as bike parking located as near as practical to campus origins and destinations, should be provided to encourage bicycle use.
- **IP 22:** On-campus housing should be designed to accommodate bicycle parking that is indoors or otherwise protected from the elements.
- **IP 23:** Cal Poly should continue to work with the City and RTA to make public transportation more convenient than automobile use through such improvements as shorter headways, increased evening and weekend services, and greater convenience for on-campus residents.
- **IP 24:** Cal Poly should work toward restoring, expanding and publicizing extra-regional bus service.
- **IP 25:** Parking should be efficiently managed to reduce the need for parking spaces through real time information regarding space location and availability, variable time pricing, and other best practices.
- **IP 26:** A system should be established whereby sponsored guests can obtain parking passes without crossing the campus to a single staffed kiosk.
- **IP 27:** Any future or renovated parking facility should meet the certification standards of the Green Parking Council or similar organization.
- **IP 28:** Where activities are located beyond walking distance from the Academic Core, alternative transportation options should be provided.
- **IP 29:** If intra-campus shuttles or similar future services are provided, they should be low or zero emission (such as electric, CNG or gas hybrid).
- **Transportation and Circulation (TC) 11:** On-campus residential neighborhoods should be designed with convenient access to the core of campus, including safe and convenient pedestrian and bicycle paths. Consideration should be given to a shuttle service or other intra-campus alternatives when residential developments are beyond convenient walking distance.
- **TC 12:** Campus wayfinding should clearly identify places, routes, and destinations; and enable people to orient themselves to find their destination.
- **TC 13:** Parking should be provided in appropriate amounts and locations depending on the purpose.
- **TC 14:** Major parking facilities should be located to "intercept" cars outside the Academic Core. Drivers should be able to conveniently transition to other active modes or intra-campus shuttles or other options.
- **TC 15:** Parking facilities should be sited and designed to reduce visual obtrusiveness while maintaining safety.

THRESHOLDS OF SIGNIFICANCE

The following thresholds of significance are based on Appendix G of the State CEQA Guidelines, the CSU TISM, and the OPR Technical Advisory. The 2035 Master Plan could have a significant effect related to transportation if it would:

- conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, or bicycle and pedestrian facilities;
- conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b);

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Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 9:26:53 AM

The RTA recommends that Cal Poly should commit to meeting the same zero-emission requirements that public transit agencies must meet under the CARB ICT fleet rule. L7-22

Number: 2 Author: gstraw Subject: Highlight Date: 2/3/2020 8:37:35 AM

The RTA recommends that this language be changed to:

"...should be located and priced to intercept cars..." L7-23

- substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- result in inadequate emergency access.

With respect to the issue of CEQA Guidelines Section 15064.3, Cal Poly, as part of the CSU system, would consider a VMT impact to be significant if the project would:

- result in project-generated VMT per service population for the campus as a whole that exceeds 19.22 (i.e., 15 percent below countywide VMT per service population [22.61]) under Existing plus Project conditions.

ISSUES NOT DISCUSSED FURTHER

Level of Service

In accordance with the December 28, 2018 amendments to the State CEQA Guidelines, VMT is the most appropriate measure of transportation impacts, supplanting vehicular LOS (i.e., delay). Therefore, the evaluation of LOS is not discussed further.

Roadway Hazards Due to Design Features or Incompatible Uses

The 2035 Master Plan does not include new major/primary entrances or modifications to existing campus entrances from the City of San Luis Obispo, however, some modification of existing roadways, including bicycle, pedestrian, and transit improvements, may be necessary as the 2035 Master Plan is implemented. Roadway improvements or modifications of facilities, which may require temporary road closures, associated with the 2035 Master Plan would be constructed in accordance with all applicable design and safety standards so as to allow for the safe and efficient movement of various modes of travel to, from, and through the campus. Additionally, the vehicles types associated with operation of the land uses proposed in the 2035 Master Plan are consistent with those currently utilizing the circulation network within the Master Plan area. Therefore, the project would not increase hazards because of a design feature or incompatible uses. This issue is not discussed further.

Emergency Access

The 2035 Master Plan would require that site design be compliant with all applicable emergency access requirements, including Uniform Fire Code requirements; thus, emergency access for future projects under the 2035 Master Plan would be subject to review by all appropriate responsible emergency service agencies. Additionally, all CSU projects are required to follow the State University Administrative Manual which requires the State Fire Marshal to review all projects prior to implementation. Therefore, future projects under 2035 Master Plan would be designed to meet applicable emergency access and design standards, and adequate emergency access would be provided. This issue is not discussed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.13-1: Result in Vehicle Miles Traveled That Exceed Regional Vehicle Miles Traveled Targets

With implementation of the 2035 Master Plan, Cal Poly, as a whole, would exceed the countywide VMT per service population target of 19.22 (15 percent below existing regional VMT per service population). Although implementation of the 2035 Master Plan would reduce VMT per capita compared to existing conditions due to the location of all new and a greater proportion of total student enrollment in on-campus housing, this impact would be **significant**.

VMT generated by Cal Poly, as a whole, with implementation of the 2035 Master Plan was conservatively modeled using the SLOCOG regional traffic model. The results of this modeling and conversion of total VMT to VMT per capita are shown in Table 3.12-3. Based on the modeling conducted, overall VMT would increase due to the increase in campus population that would in total generate 7,495 new daily vehicle trips. Importantly, however,

VMT per service population – which is the governing threshold of significance – for the entire campus would decrease substantially. As shown in the Table 3.12-3, implementation of the 2035 Master Plan would result in 24.26 VMT per service population for the entire campus, representing a reduction of 16.8 percent from an existing level of 29.17 VMT per service population. This reduction reflects the benefits (i.e., reductions in daily trips and VMT per service population compared to existing conditions) of providing on-campus student, staff, and faculty housing and neighborhood residential uses, which would serve to reduce the number and length of vehicular trips to and from campus. Moreover, the per-capita VMT associated solely with implementation of the 2035 Master Plan (i.e., net new VMT per net new service population) would be 10.95, demonstrating the effectiveness of on-campus housing and management strategies to reduce the number and length of vehicle trips.

Table 3.13-3 Existing plus Project VMT

	Existing Conditions	Existing plus Project Conditions
Campus		
Vehicle Miles Traveled (A)[1]	957,900	1,090,800
Service Population (B)[1,2]	32,840	44,970
VMT per Service Population (A/B = C)	29.17	24.26
VMT per New Service Population[3]		10.95
San Luis Obispo County		
Vehicle Miles Traveled (D) [1]	9,906,300	
Service Population (E)[1,2]	438,100	
VMT per Service Population (D/E = F)	22.61	

Notes:

[1] Rounded service population and VMT to nearest 10.

[2] Service Population is defined as the sum of all employees, residents and students.

[3] New Service Population is defined as the net increase in faculty/staff, residents, and students that are anticipated under the 2035 Master Plan)

Source: Data compiled and provided by Fehr & Peers 2019.

However, using the 22.61 VMT per service population for San Luis Obispo County under the SLOCOG model, the VMT per service population of Cal Poly with implementation of the 2035 Master Plan at 24.26 VMT per service population would still exceed the significance threshold of 15 percent below the regional VMT, or 19.22 VMT per service population. As a result, this impact would be **significant**.

Mitigation Measures

Mitigation 3.13-1: Develop and Implement a Transportation Demand Management Plan

Using the CSU TDM Manual (Nelson Nygaard 2012) as a guide, Cal Poly shall develop and implement a TDM plan to reduce daily trips and VMT generated by campus employees, residents, and students by a minimum of 5.04 VMT per service population. TDM measures best suited for college towns generally include measures intended to reduce driving on campus such as subsidized transit passes, improved transit and shuttles, parking management, encouraging bicycle and pedestrian travel, and locating student housing on-campus. TDM policies that could reduce vehicle trip generation and VMT include, but are not limited to, the following:

- Expand and/or maximize the efficiency of the local and regional public transit service. This includes coordination and fair-share contributions towards additional SLO Transit and SLORTA transit routes, as well as potential expansion of facilities (e.g., the Government Center transfer point).
- Support active transportation projects on and near campus through infrastructure improvements to enhance safety and efficiency of these travel modes. This would include additional on-campus shuttle service or separated facilities for active transportation, including bike and transit. In addition, campus would expand information programs to educate students about transportation options.

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Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 8:49:23 AM

The RTA questions if the modeling considered non-commute trips (i.e., recreational, medical, shopping). Regardless, the EIR should clearly state how all trips were considered. For example, students housed on campus will want to travel to off-campus activities and jobs during non-class hours/days. And trailing spouses and children of on-campus employees/faculty will need to travel off-campus, too. That provides a reverse commute need for the latter, in particular.

L7-24

Number: 2 Author: gstraw Subject: Highlight Date: 2/3/2020 9:29:57 AM

The RTA recommends that the EIR clearly state if it is suggesting new/additional fixed-routes that serve currently unserved areas, or if the EIR is suggesting that frequencies be increased and/or daily spans of service be increased. Obviously, that is an important distinction.

It is also important to clarify whether or not pre-paid fare-free access is being considered for Cal Poly affiliates using the regional RTA routes (and not just the current SLO Transit subsidy program).

L7-25

- Implement carpool and/or vanpool incentive programs. This could include expanded programs/incentives for both faculty/staff and students, including trip credits, the emergency ride home program, and rideshare.
- Offer remote working options for employees. This could include offering online courses/lectures for students where faculty/staff could work and students would participate remotely.

As part of the TDM plan, Cal Poly shall develop and implement a parking management plan. The parking management plan shall implement policies that focus on reducing academic and residential parking demand. Parking management strategies that would reduce vehicle trip generation and VMT include, but are not limited to the following:

- Restrict parking spaces by student class – Reduce the availability of or eliminate on-campus parking for freshman and/or sophomores.
- Adjust the cost of parking permits – Increase the cost of on-campus resident parking permits, implement tiered parking pricing based on the distance to campus or time of day, and/or employ a tiered pricing from limited days (1-day, 2-day, etc.).
- Designate parking locations – Establish designated parking locations by academic program to manage the academic parking demand.
- Establish pick-up/drop-off parking district(s) – To account for emerging forms of transportation, such as transportation network companies (e.g., Uber and Lyft) and the associated VMT generated, develop a parking district or districts that charge for pick-up and drop-off on campus.

As part of the parking management plan, to better understand the commute patterns of students, residents, and employees Cal Poly shall study the distribution of VMT by commute-shed (e.g., intra-county trips, inter-county trips, on-campus trips) to help develop appropriate TDM and parking management policy responses.

On a biannual (every two years) basis, Cal Poly shall monitor and evaluate the efficacy of the TDM Plan and its strategies. If necessary and in order to achieve the target VMT reduction, Cal Poly shall increase the level of implementation and/or scope of TDM measures in order to ensure the 5.04 or greater VMT standard is met.

Significance after Mitigation

The proposed development under the 2035 Master Plan, which would locate housing (student, faculty, and staff), closer to on-campus destinations, represents precisely the type of synergistic development envisioned by SB 743 to reduce VMT. As demonstrated above, the VMT associated with the existing campus baseline would be reduced from 29.17 to 24.26 VMT per service population, a reduction of 16.8 percent VMT per service population. In addition, net growth under the 2035 Master Plan would be 10.95 VMT per new service population, representing a 43 percent reduction in VMT as compared to the target of 19.22 VMT per service population. Implementation of Mitigation Measure 3.13-1 would reduce campuswide VMT by a minimum of 5.04 VMT per service population by further decreasing the demand for vehicular travel, incentivizing active transportation modes, and modifying commute patterns. Further, the proposed development under the 2035 Master Plan, which would locate housing (student, faculty, and staff), closer to on-campus destinations, represents the type of development envisioned by SB 743 to reduce VMT. Because implementation of this measure would further reduce campuswide VMT by an additional 5.04 VMT and achieve a 15% reduction in VMT (or 19.22 VMT per service population) using the conservative County/SLOCOG baseline standard, and because the type and level of development proposed under the 2035 Master Plan would inherently reduce VMT, this impact would be reduced to a less-than-significant level.

Impact 3.13-2: Conflict with a Program, Plan, Ordinance, or Policy Addressing Circulation and Transit

Implementation of the 2035 Master Plan would increase demand for transit, which may require investments in additional transit service and/or facilities to maintain the level and quality of service necessary to retain and expand ridership. Failure to maintain quality service could lead to losses of ridership and increases in travel by other modes (e.g., automobiles) that could result in environmental effects such as increased emissions. This impact would be **significant**.

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Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 9:30:50 AM
The RTA recommends that the campus eliminate the discounts associated with monthly or semester parking passes. In other words, multi-use parking passes should only provide convenience and not lower per-day parking costs in order to increase demand for ridesharing, transit, bicycle and pedestrian use.

L7-26

Number: 2 Author: gstraw Subject: Highlight Date: 2/3/2020 8:52:06 AM
The RTA presumes this monitoring will be done via survey similar to the surveys completed by UC Davis. In any case, mode split data should be collected and reported.

L7-27

Number: 3 Author: gstraw Subject: Highlight Date: 1/31/2020 10:26:20 AM
This is redundant with first sentence of the paragraph.

L7-28

Number: 4 Author: gstraw Subject: Highlight Date: 2/3/2020 9:35:54 AM
The RTA notes that this seems incongruous: the CSU standard requires a 15% reduction in VMT, yet overall VMT increases under the Master Plan. Most significantly, the data in Table 4 of Appendix G shows Intra-County Project Generated VMT will increase, while only On-Campus and Inter-County VMT declining.

Further, Appendix G states "The travel model shows that a small portion of the daily trips (less than 15 percent) travel outside of San Luis Obispo; however, these inter-county trips represent approximately 35 percent of the Project generated VMT for the Cal Poly campus." This suggests that further analysis is necessary.

Moreover, Appendix G states that "additional information from the Cal Poly campus would assist with understanding these distributions of project generated VMT by commute shed..." Has this analysis been completed and incorporated into the EIR? It suggests that more study should be completed to determine if additional resources should be provided by the campus to address the long Intra- and Inter-County trips and their significant impacts to the transportation system.

L7-29

Growth of Cal Poly's student population, faculty, and staff under the 2035 Master Plan would increase demand for transit serving the campus. The 2035 Master Plan includes a multi-modal transit center in the vicinity of the proposed Creekside Village near the terminus of Highland Drive at University Road. The transit center would be the hub for multimodal transit for Cal Poly, and SLO Transit would provide service at the transit center. Additionally, as detailed in Chapter 2, "Project Description," the 2035 Master Plan includes a new transit stop near the southeast corner of campus at the Performing Arts Center to serve the proposed residential neighborhood and student housing and a new transit stop near the southwest corner of campus. The strategic location of the new transit stops at the edge of the campus would eliminate the need for buses to regularly enter the Academic Core subarea; thus, minimizing potential vehicular and bicycle/pedestrian conflicts. Any changes to the current transit routes, as well as the precise locations and designs of the transit center and future stops, would be determined in consultation and coordination with the SLO Transit and SLORTA.

The 2035 Master Plan would not interfere with the implementation of planned transit service or facilities identified in the City of San Luis Obispo General Plan, the SLO Transit SRTP, or the SLORTA SRTP. Both the SLO Transit and SLORTA SRTPs propose to implement transit service changes that will result in the expansion of service times and frequency along routes that access campus. The 2035 Master Plan would also not interfere with planned regional transit projects identified in the SLOCOG 2019 RTP as it would not reduce the availability to provide transit service in the area. The 2035 Master Plan emphasizes the need to coordinate with local and regional transportation agencies to support the implementation of TDM strategies, including expanded transit options for students, faculty and staff.

Multiple study segments operate with a high passenger load factor, relatively infrequent service, or the lack of bus stops along a segment (Fernandez, pers. comm., 2019). Field observations and discussions with transit agency staff indicate regular leave-behinds at bus stops near campus, where the buses are at capacity and cannot load all riders (Fernandez, pers. comm., 2019).

As detailed above, the SLO Transit and SLORTA short range transit plans identify planned expansion of transit service and/or facilities to accommodate current demand. However, it is not certain that planned or future expansion will adequately accommodate the additional ridership demand resulting from the implementation of the 2035 Master Plan. Thus, transit services could potentially operate below acceptable service level, quality, and/or performance targets with implementation of the 2035 Master Plan, which would be deleterious to the transit customer experience (e.g., chronic overcrowding issues) and potentially deter existing and prospective riders from utilizing transit. This impact would be **significant**.

Mitigation Measures

Mitigation Measure 3.13-2: Monitor Transit Service Performance and Support Transit Improvements

Currently, SLO Transit regularly monitors transit service performance and adjusts service levels, as feasible, according to established service standards. Cal Poly shall work with SLO Transit staff to identify and support implementation of transit service and/or facility improvements (e.g., through fair share contribution[s] based on University-related ridership) necessary to adhere to applicable, established service standards (e.g., fewer than 125 percent of seated capacity) identified in the SLO Transit Short Range Transit Plan (SRTP) and, in turn, maintain a high-quality customer experience so as not to deter existing and potential ridership. Potential transit improvements could include modifying existing transit routes or adding new routes to serve areas of the campus underserved by transit, adding service capacity (through increased headways and/or larger vehicles) to prevent chronic overcrowding, improving terminal facilities to accommodate additional passengers and transit vehicles, and improving coordination between transit providers. In the event that SLO Transit updates its SRTP during implementation of the 2035 Master Plan, transit improvements shall result in service performance that meets the performance targets established in the latest SLO Transit SRTP.

Transit facility and roadway improvements shall be designed and constructed in accordance with industry best practices and applicable standards. Improvements shall be implemented or constructed in a manner that would not physically disrupt existing transit service or facilities (e.g., additional bus service that exceeds available bus stop or transit terminal capacity) or otherwise adversely affect transit operations.

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Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 9:38:05 AM
The RTA presumes that it would also serve this new passenger facility? In any case, as described it would be on the edge of campus and would require many transit users to walk/roll uphill to get to most activity centers/classes on campus. In other words, it would serve as a deterrent for transit travelers in the absence of some sort of on-campus shuttle and/or placing private automobile parking further away (i.e., purposefully making car travel less convenient). Bus access into and out of the new passenger facility should incorporate technology solutions (TSP, queue jumps, etc.) that give preference to buses over cars and address delays caused by pedestrians (i.e., walk/don't walk signals during bus travel through a corridor). L7-30

Number: 2 Author: gstraw Subject: Highlight Date: 2/3/2020 8:54:52 AM
The RTA recommends the language be changed to:

"... expanded transit options (including capital and operating subsidies from Cal Poly)... L7-31

Number: 3 Author: gstraw Subject: Highlight Date: 2/3/2020 8:57:07 AM
The RTA notes that neither of the two paragraphs in the mitigation measure provide details on how the campus will actually support public transit improvements; suggesting the campus will not do anything to "get in the way" is hardly supportive. The mitigation should clearly demonstrate the campus will support public transit improvements, including financial support. L7-32

Number: 4 Author: gstraw Subject: Highlight Date: 1/31/2020 10:59:02 AM
The RTA also monitors service performance via our established GPS-based CAD and automatic passenger counter systems, too. L7-33

Number: 5 Author: gstraw Subject: Highlight Date: 2/3/2020 8:58:58 AM
The RTA suggests that the campus also work with us to identify and support improvements identified in the RTA SRTP. L7-34

Number: 6 Author: gstraw Subject: Highlight Date: 2/3/2020 8:59:43 AM
The RTA recommends the language be changed to:

"... SLO Transit and the RTA update its SRTP..." L7-35

Significance after Mitigation

Implementation of Mitigation Measure 3.13-2 would reduce potential significant impacts associated with transit service and facilities to a **less-than-significant** level by ensuring that transit service is sufficient to accommodate demand consistent with established SLO transit service standards, minimizing potential adverse effects on transit operations, and minimizing conflicts between transit and other travel modes.

Impact 3.13-3: Conflict with a Program, Plan, Ordinance, or Policy Addressing Bicycle Facilities

Implementation of the 2035 Master Plan would not interfere with implementation of planned bicycle facilities in the City and County of San Luis Obispo. It would increase bicycle travel on campus, which could generate bicycle volumes that physically disrupt the use of existing facilities. Implementation of the 2035 Master Plan would increase automobile, transit, bicycle, and pedestrian trips to, from, and within campus, which would increase the competition for physical space between the modes; thus, increasing the risk of collisions. This impact would be **significant**.

The 2035 Master Plan would not interfere with the implementation of planned bicycle facilities identified in the City of San Luis Obispo General Plan or the City of San Luis Obispo Bicycle Transportation Plan. It would also not interfere with planned regional bicycle projects identified in the SLOCOG 2019 RTP. Implementation of the 2035 Master Plan would allow for the addition of 669 new regular employees and 3,188 new students, and this increase would correspond to an increase in new bicyclists on campus. Based on existing daily bicycle volumes shown above in Table 3.13-1 and the projected increase in campus population under the 2035 Master Plan, average daily bicycle trips are anticipated to increase by 930 as a result of implementation of the 2035 Master Plan. New bicycle activity is expected to be concentrated near focal points for students and staff activities, including new on-campus housing developments, the Academic Core subarea, and on bicycle facilities connecting campus activity generators. New bicycle activity would also create additional demand for bicycle parking near activity generators.

Additional on-campus bicycle activity generated by growth identified in the 2035 Master Plan or from specific projects, together with increased automobile, transit, and pedestrian trips, could contribute to crowding of existing bicycle facilities and in shared right-of-way environments, particularly during peak travel periods such as the morning commute into the Academic Core subarea or passing periods between classes. Crowding would result in the competition for physical space between the modes, which in turn would increase the potential for collisions, including those involving bicyclists. Crowding would be exacerbated by increased differences in speed differentials on shared-use facilities, including those caused by increased use of eBikes, eScooters, eSkateboards, and other electronic personal mobility devices that are becoming more prevalent.

Bicycle facilities with high volumes or those with real or perceived safety issues could alter travel patterns and potentially deter existing and prospective bicyclists from biking to and from on-campus destinations, effectively limiting or reducing the overall number of campus-related bicycle trips. Additional bicycle demand on heavily trafficked segments generated by the buildout of the 2035 Master Plan could create crowding along existing bike lanes that could discourage bicycling in favor of other less crowded modes.

The 2035 Master Plan includes an enhanced pedestrian and bicycle circulation system with new and improved pedestrian and bicycle paths throughout the campus, new roadways with bicycle facilities, and additional bicycle parking located near major activity centers. Further, the planned system would increase safety by creating a pedestrian-only Academic Core subarea and eliminating conflicts between pedestrians, bicycles, and cars. However, implementation of the 2035 Master Plan would increase bicycle trips to, from, and within campus, which could lead to overcrowding of bicycle facilities and the increase in competition for physical space between modes; thus, increasing the risk of collisions. This impact would be **significant**.

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Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 9:01:25 AM

The RTA notes that the campus should strengthen its commitment regarding specific transit supportive measures, including financial subsidy support for both transit operating and capital needs for SLO Transit and the RTA.

L7-36

Number: 2 Author: gstraw Subject: Highlight Date: 1/31/2020 1:15:47 PM

The RTA provides bikes racks on the front and rear of each 40-foot bus (a total of six bikes can be accommodated), which is unique in the transit industry and provides maximum bike capacity. This is an important "last-mile" consideration for many RTA riders who use transit from remote/rural areas where walking to/from the bus stop would be otherwise infeasible. To the extent possible, the no-bike zones on the Cal Poly campus must still provide direct routes from bus stops to activity centers so that cyclists do not have to go far out of direction or traverse difficult terrain to avoid the no-bike zone. Otherwise, the no-bike zone becomes a deterrent for both cyclists who are alos bus riders. A good example is the no-bike riding zone within the Quad area on the UC Davis campus -- it is a limited size area and good paths are provided around the Quad.

L7-37

Mitigation Measures

Mitigation Measure 3.13-3: Monitor Bicycle-Related Collisions to Implement Countermeasures Minimizing Potential Conflicts with Bicycle Facilities

Following adoption of the 2035 Master Plan and every two years thereafter during implementation of the 2035 Master Plan, Cal Poly shall record on-campus bicycle volumes and collisions involving bicyclists and establish a bicycle collision rate. The rate should be sensitive to context (e.g., Academic Core subarea versus new student housing along the edge of current campus development) and facility type (e.g., intersection versus segment). Cal Poly shall determine the on-campus bicycle collision rate as part of its biennial mitigation monitoring program. In instances where the rate increases from the prior observation period, Cal Poly shall develop and implement countermeasures designed to reduce the rate and primary collision factors. Cal Poly shall also identify and develop countermeasures for locations where the change in the mix of travel patterns and behavior is determined to be incompatible with the facility as designed. Potential countermeasures include the following:

- Construct physically separated facilities for each mode in shared operating environments (particularly high- versus low-speed travel modes).
- Restrict select modes in certain areas where one mode is prioritized over another to minimize collision potential.
- Increase the number of bicycle parking facilities and distribute them to minimize crowding on connecting bicycle facilities.
- Enforce 'rules of the road' per the California Vehicle Code and applicable University policies.
- Educate existing and prospective bicyclists to give people the skills and abilities to ride.
- Control class schedules and passing periods to minimize effects of peak bicycle traffic.
- Expand core area restrictions on service vehicles.

Anticipated increases in bicycle activity would be concentrated near focal points for students and staff activities, including new on-campus housing developments, existing and new academic and recreational facilities (e.g., classrooms, lecture halls, athletic fields) in the Academic Core subarea, and along bicycle facilities connecting activity generators. Bicycle facility and roadway improvements that intend to minimize conflicts between bicyclists and other travel modes shall be designed and constructed in accordance with applicable CSU and California standards. In addition, Cal Poly shall coordinate with the City regarding the connection points and sizing of on-campus facilities at their intersection points with City facilities to ensure the safe transition of bicyclists between City and campus facilities and vice versa.

Cal Poly could prepare a Multimodal Transportation Management Plan that identifies the expected locations and types of bicycle improvements that may be necessary to accommodate growth resulting from the 2035 Master Plan. Potential modifications to the existing transportation network for active transportation modes should be based on, but not limited to, the following objectives:

- desired level of traffic stress or user experience, and
- the need for physical separation between the modes (to address either volume or speed differentials).

The plan should include an implementation program that identifies the prioritization and sequencing of improvements as they relate to specific on-campus facilities (e.g., new student residences). The plan should be flexible to respond to changing conditions during implementation of the 2035 Master Plan and should contain optional strategies and improvements that can be applied to specific problems that arise as the 2035 Master Plan's implementation proceeds.

Significance after Mitigation

Implementation of Mitigation Measure 3.13-3 would reduce potential significant impacts associated with bicycle facilities to a **less-than-significant** level by supporting bicycling on campus and either adjusting the volume, capacity and design of existing and new facilities, so as to minimize the potential for conflicts between bicycles and other travel modes.

Page: 17

Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 9:02:37 AM
The RTA would argue that the highest risk lies with private automobile drivers. Bikes and transit work well together all over the world because Bus Operators are professionally trained to drive among cyclists, as is evidenced on campuses across the globe. Again, the UC Davis campus provides a good example, where the campus core is closed to all private automobiles but bikes/ buses travel safely together throughout the day.

L7-38

Number: 2 Author: gstraw Subject: Highlight Date: 2/3/2020 9:02:56 AM
The RTA recommends the language be changed to:

"shall"

L7-39

Number: 3 Author: gstraw Subject: Highlight Date: 2/3/2020 9:03:05 AM
The RTA recommends the language be changed to:

"will"

L7-40

Number: 4 Author: gstraw Subject: Highlight Date: 2/3/2020 9:03:17 AM
The RTA recommends the language be changed to:

"will"

L7-41

Impact 3.13-4: Conflict with a Program, Plan, Ordinance, or Policy Addressing Pedestrian Facilities

Implementation of the 2035 Master Plan would increase pedestrian travel on and off campus, which could generate pedestrian volumes that physically disrupt the use of existing facilities. Implementation of the 2035 Master Plan would increase automobile, transit, bicycle, and pedestrian trips to, from, and within campus, which would increase the competition for physical space between the modes, which increases the risk of collisions. This impact would be **significant**.

The 2035 Master Plan would not interfere with the implementation of planned pedestrian facilities identified in the City of San Luis Obispo General Plan or planned regional pedestrian projects identified in the SLOCOG 2019 RTP. Student, employee, and on-campus housing growth resulting from the implementation of the 2035 Master Plan would increase pedestrian activity on campus. Implementation of the 2035 Master Plan would allow for the addition of 669 new regular employees and 3,188 new students, each of whom would generate a variety of pedestrian trips within the campus during a typical day of the academic year. Based on existing daily pedestrian volumes shown above in Table 3.13-1 and the projected increase in campus population under the 2035 Master Plan, average daily pedestrian trips are anticipated to increase by 847 as a result of implementation of the 2035 Master Plan. New pedestrian activity is expected to be concentrated near focal points for students and staff activities, including new on-campus housing developments, the Academic Core subarea, and on pedestrian facilities connecting campus activity generators.

Additional on-campus pedestrian activity generated by the 2035 Master Plan, together with increased automobile, transit, and bicycle trips, could result in crowding on existing pedestrian facilities and in shared right-of-way environments, particularly during peak travel periods. Crowding would result in the competition for physical space between the modes, which in turn would increase the potential for collisions, including those involving pedestrians. The Academic Core subarea would experience increased opportunities for bicycle-pedestrian conflicts with the addition of 2035 Master Plan trips. Crowding would be exacerbated by increased differences in speed differentials on shared-use facilities, including those caused by increased use of eBikes, eScooters, eSkateboards, and other electronic personal mobility devices. This impact would be **significant**.

Mitigation Measures

Mitigation Measure 3.13-4: Monitor Pedestrian-Related Collisions to Implement Countermeasures Minimizing Potential Conflicts with Pedestrian Facilities

Following adoption of the 2035 Master Plan and every two years thereafter during implementation of the 2035 Master Plan, Cal Poly shall record on-campus pedestrian volumes and collisions involving pedestrians and establish a pedestrian collision rate. The rate should be sensitive to context (e.g., Academic Core subarea versus new student housing along the edge of current campus development) and facility type (e.g., intersection versus segment). Cal Poly shall determine the on-campus pedestrian collision rate as part of its biennial mitigation monitoring program. In instances where the rate increases from the prior observation period, Cal Poly shall develop and implement countermeasures designed to reduce the rate and primary collision factors. Cal Poly shall also identify and develop countermeasures for locations where the change in the mix of travel patterns and behavior is determined to be incompatible with the facility as designed. Potential countermeasures include the following:

- Construct physically separated facilities for each mode in shared operating environments (particularly high- versus low-speed travel modes).
- Restrict select modes in certain areas where one mode is prioritized over another to minimize collision potential.
- Improve and/or expand existing pedestrian facilities.

Anticipated increases in pedestrian activity would be concentrated near focal points for students and staff activities, including new on-campus housing developments, existing and new academic and recreational facilities (e.g., classrooms, lecture halls, athletic fields) in the Academic Core subarea, and along pedestrian facilities connecting activity generators. Bicycle facility and roadway improvements that intend to minimize conflicts between pedestrians and other travel

modes shall be designed and constructed in accordance with applicable CSU and California standards. In addition, Cal Poly shall coordinate with the City regarding the connection points and sizing of on-campus facilities at their intersection points with City facilities to ensure the safe transition of pedestrians between City and campus facilities and vice versa.

Cal Poly could prepare a Multimodal Transportation Management Plan that identifies the expected locations and types of pedestrian improvements that may be necessary to accommodate growth resulting from the 2035 Master Plan. Potential modifications to the existing transportation network for active transportation modes should be based on, but not limited to, the following objectives:

- desired pedestrian level of service or user experience, and
- the need for physical separation between the modes (to address either volume or speed differentials).

The plan should include an implementation program that identifies the prioritization and sequencing of improvements as they relate to specific on-campus facilities (e.g., new student residences). The plan should be flexible to respond to changing conditions during implementation of the 2035 Master Plan and should contain optional strategies and improvements that can be applied to specific problems that arise as Master Plan's implementation proceeds.

Significance after Mitigation

Implementation of Mitigation Measure 3.13-4 would reduce potential significant impacts associated with pedestrian facilities to a **less-than-significant** level by supporting walking on campus through new/expanded facilities and minimizing the potential for conflicts between pedestrians and other travel modes via barriers and other separation devices (e.g., landscaping).

Page: 19

Number: 1 Author: gstraw Subject: Highlight Date: 2/3/2020 9:04:30 AM

The RTA recommends the language be changed to:

"will"

L7-42

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Letter
L8

Community Development
919 Palm Street, San Luis Obispo, CA 93401-3249
805.781.7170
slocity.org

February 3, 2020

Jeffrey Dumars
Associate Director of Environmental & Space Planning
Facilities Management and Development
Cal Poly
1 Grand Avenue, San Luis Obispo, CA 93407

SUBJECT: Cal Poly 2035 Master Plan Draft EIR (SCH#2016101003)

Dear Mr. Dumars:

The City of San Luis Obispo provides this letter with attachments as its formal comments on the Draft EIR for Cal Poly's 2035 Master Plan. We appreciate the opportunity to comment, and the time and coordination that has occurred on the mitigation measures that require City participation. Ultimately, the City asserts that the EIR has improved and the purpose of these comments are intentionally put forward to strengthen the analysis of the environmental impacts and fully disclose those impacts so that environmental impacts can be fully mitigated to the extent reasonably feasible.

As you know, the City and Cal Poly have existing agreements that cover a wide range of services where the campus and community support each other's mutual success. With this in mind, we have used the Draft EIR as a tool to better understand how these agreements will continue to serve the campus and community as the campus grows with development under the 2035 Master Plan. L8-1

The comments provided herein are intended to be constructive to help ensure the City's ability to support implementation of the Master Plan. In this regard, the Draft EIR and Master Plan are tools that will help us identify Cal Poly's fair share of the costs of public facilities and services needed to support growth on campus.

Attached to this comment letter is a 2015 communication authorized by the City Council including "City Comments on the Cal Poly Master Plan Update," and "Guiding Principles for Input on the Cal Poly Master Plan Update." The following comments are made with

this guidance in mind, and in consideration of the City's current Major City Goals for Housing and Climate Action. L8-1 cont.

Please don't hesitate to reach out should you have any questions about the information contained in this letter.

Sincerely,

Michael Codron
Community Development Director

Attachments: Draft EIR Comments
Letter from Mayor Marx to Jeffrey D. Armstrong (December 1, 2015)
Letter from Katie Lichtig to Jeffrey D. Armstrong (September 11, 2017)

CC: San Luis Obispo City Council
Ray Aronson, Executive Director of Facilities, Planning, and Capital Projects
Jessica Darin, Chief of Staff
Christine Dietrick, City Attorney
Juanita Holler, Associate Vice President for Facilities
Keith Humphrey, Vice President for Student Affairs
Derek Johnson, City Manager
Courtney Kienow, Director of Community Relations
Cindy Villa, Vice President for Administration and Finance

Draft EIR Comments

Introduction/Project Description

The City is concerned about enrollment growth on campus to the extent that it is not planned for and that it is not phased to occur subsequent to the provision of additional housing on campus. A spike in enrollment that occurred in 2017 provided the City with an opportunity to quantify costs associated with unplanned enrollment growth, which resulted in unplanned costs to the City in the areas of emergency response and transit, for example (Katie Lichtig; September 11, 2017, attached).

The project description assumes that enrollment will increase at a lower rate over the next two decades than it has during the past two decades, but no evidence is cited to support this assumption. In fact, the data identified in the DEIR of past enrollment growth supports a growth rate of 280 students per year, not the 205 students per year used throughout the DEIR. This is equivalent to a 26.8% decrease in historic enrollment growth. No evidence has been cited or supplied to explain why it was assumed that such a significant decrease will occur, nor does the DEIR include any assurances in the form of enforceable project components or mitigation measures to ensure that the planned rate of enrollment growth will actually occur. L8-2

The way to remedy this is through enforceable policies in the master plan and/or mitigation measures in the Final EIR that would prevent increases in enrollment beyond what is planned for, or that trigger additional measures to mitigate impacts should increased enrollment occur. Phasing enrollment growth in alignment with the provision of facilities on campus (e.g. water supply, active transportation projects, transit service, housing, etc.) is recommended as a method to address the potential for unmitigated impacts associated with unplanned enrollment growth.

Aesthetics

Slack and Grand Project
The Faculty and Staff Workforce Housing (Slack and Grand) project is identified as a near term project in Table 2-12. The proposed development is up to five stories in height which greatly exceeds that of the adjacent single-family residences along Slack Street.
Although the DEIR identifies this as a significant and unavoidable impact, Mitigation Measure 3.1-1 relies only on landscaping to mitigate impacts and would not reduce impacts to the maximum extent feasible. Feasible mitigation could also include detailed architectural design to provide a more compatible transition to the surrounding neighborhoods, consistent with the City's property development standards for Edge Conditions (SLOMC 17.70.050). The City believes that compliance with its standards for Edge Conditions would be feasible and effective mitigation for the project contemplated on the Slack and Grand site. L8-3

Air Quality, Energy Consumption and GHG Emissions

City comments on these three topic areas are combined to focus comments on specific policy interests of the City with respect to GHG emissions reduction strategies. The City of San Luis Obispo is pursuing a 2035 Carbon Neutral goal and has taken a leadership role across the State and country with respect to programs and standards to help achieve this outcome. Specifically, the City has adopted a policy preference for all-electric new buildings and is pursuing adoption of a Clean Energy Choice Program to incentivize all-electric new development. The City is developing a Carbon Offset Requirement and has negotiated with new housing developers to eliminate the use of natural gas in major new subdivisions.

Therefore, the City finds the commitment that all buildings constructed under the Master Plan will be powered by 100% on site renewable energy commendable. The City notes that this renewable energy goal is identified as a requirement in the GHG analysis in Chapter 3.8. However, mitigation measures in Chapter 3.8 concerning GHG emissions do not require that all buildings be powered by 100% renewable energy. For instance, will the WRF be 100% powered by on-site renewable energy? If so, where will the renewable energy be generated? The DEIR does not describe or evaluate any large-scale renewable energy projects to indicate that the requirement can be achieved. Implementation of the Master Plan goals on energy and GHG reduction would benefit greatly by a more detailed discussion of how the on-site renewable energy goals can be feasibly accomplished.

L8-4

The DEIR relies on the VMT model to supply estimates for the Master Plan's operational GHG emissions. However, the VMT model excluded vehicle miles traveled by vendors and visitors to the campus. As a result, a GHG analysis that relies on that VMT model may not include the full scope of GHG emissions generated by this project.

The DEIR states that daily VMT estimates were "adjusted to annual VMT using a conversion factor of 267 days per year, which accounts for Cal Poly's academic schedule, holidays, and enrollment levels during summer and regular academic quarters." (DEIR, p. 3.8-15.) Although VMT may be lower when school is not in session, the campus is still in operation and people still visit it during those times (i.e. move in, orientation, summer sessions, construction projects, etc.). As a result, GHG emissions still occur on the days that the annual VMT estimate has excluded with no basis and thus is incomplete and deprives the public from understanding the full GHG emissions of campus operations. By basing its GHG emission estimates on a VMT model that excluded 98 emission producing days per year, the GHG analysis is potentially underreporting the potential GHG impacts associated with this project. In addition, Chapter 3.3 of the DEIR acknowledges that the project will increase trip counts by 7,495 daily trips. The GHG analysis should likewise take these trips into account and fully disclose and evaluate impacts to GHG.

L8-5

Biological Resources

Generally, the City is concerned that the EIR and Master Plan fail to provide a program for evaluating impacts to biological resources to guide project designs and streamline subsequent environmental review. The presence of special status plant and animal species is identified, but there is no guidance through Master Plan policies or detailed mitigation measures regarding the scope and scale of future biological studies needed to avoid impacts and secure resource agency approval for projects contemplated in the Master Plan. The need for certain resource agency approvals (an Incidental Take Permit and a Habitat Conservation Plan are both noted as possible requirements) may significantly delay housing and water projects that are relied upon in the DEIR to self-mitigate impacts to housing, transportation, GHG emissions, noise and other issue areas identified throughout the DEIR. L8-6

Plants
The analysis in this section relies on deferral of studies to identify and mitigate impacts at some future point, however, no program for future studies is provided to guide future investigations. Mitigation measure 3.5-1a states surveys should be conducted prior to approval of "specific projects under the 2035 Master Plan." This mitigation measure is vague as to what projects would trigger this measure (i.e. projects that may otherwise qualify for an infill exemption). The DEIR appears to base analysis of potential impacts to protected plant species on one reconnaissance level survey that was completed in June 2019. As noted in Table 1, Appendix E, there are many protected plant species that may be present on the site that do not flower in June. Mitigation Measure 3.5-1b only provides for avoidance of impacts to special status plants in the area outside of the footprint of structures and site features. Proper evaluation in advance of the approval of building footprints should inform their final location to potentially avoid or minimize impacts to the greatest degree possible and avoid potential delays in Master Plan implementation. L8-7

Hydrology and Water Quality

The DEIR does not evaluate potential impacts that could result from flooding. One way to address this would be for DEIR and Master Plan to include specific references to the regional San Luis Obispo watershed Waterway Management Plan (WMP). The WMP has been adopted by both the City and County as the agreed upon standard for the San Luis Obispo watershed. The impact of not analyzing flooding is that the project may cause an increase in the rate or amount of surface water that would result in flooding both on and off-site, it may impede or redirect flood flows, or it may cause the release of pollutants due to inundation that may occur within the flood plain. CEQA requires a full evaluation of these impacts, as stated in CEQA Guidelines Appendix G. By not including this full evaluation in the DEIR, the project creates potential unmitigated impacts that have not be disclosed to the public or decision makers. L8-8

Slack and Grand project and Retirement Community
The DEIR does not evaluate impacts to City stormwater facilities and potential runoff from the Slack and Grand site that will flow into the City's stormwater system and into San Luis L8-9

Obispo Creek. Once water from on-site impervious areas enters the City right's-of-way, Cal Poly would be subject to the City's stormwater permits. No analysis is provided demonstrating how the project would comply with City permit requirements.

No analysis is provided on how the development of the retirement community may also impact the City's stormwater system as drainage is likely to be directed to City infrastructure. No evidence is provided of how these projects will comply with City permit requirements or how San Luis Obispo Creek will not be impacted by development. A requirement for WMP compliance would address the concern. L8-9 cont.

Flooding
The DEIR does not evaluate potential floodplain impacts. City and County Floodplain Management Regulations should be disclosed and pre- versus post-development impacts should be analyzed. The DEIR states that buildings will be located above the floodplain but there is no analysis or clear mitigation to ensure that floodwaters will not be displaced creating downstream impacts. These are significant issues that could create hazardous conditions and property damage. In particular, the DEIR does not evaluate the extent of construction within the Base Flood Elevation (BFE) and whether it is feasible to locate new construction outside this zone. If flood flows are obstructed or capacity of the floodplain is altered without appropriate mitigation, impacts will result. L8-10

Noise

Spanos Stadium
The Master Plan Update includes a 4,000 seat increase in capacity at Spanos Stadium and there is no quantified analysis of existing or anticipated noise levels during events. Absent a noise evaluation, the DEIR and Master Plan could include Mitigation Measures or policies to ensure disclosure of future noise levels and that feasible mitigation is applied. For example, the DEIR and/or Master Plan could provide direction regarding the orientation of speakers away from sensitive receptors, acceptable volume levels, restrictions on hours of events, and clear thresholds to guide the evaluation of future stadium expansion projects. L8-11

Construction Noise
Implementation of the Master Plan Update would include construction of millions of square feet of academic and support buildings, infrastructure improvements, a new Wastewater Reclamation Facility (WRF), expansion of Spanos Stadium, and several housing projects to be constructed over a period of 15 years. These activities will introduce significant new noise sources to the areas surrounding the entrances to campus and have the potential to create long term impacts to the surrounding areas. The DEIR does not include disclosure of potential impacts associated with construction traffic under 3.10-1, Impact 3.1-2, or elsewhere in the DEIR. The DEIR appropriately references City noise thresholds and it would also be appropriate to make use of standard City noise reduction methods as outlined in the City General Plan Noise Element and Noise Standards contained in its Municipal Code. Some of the standard noise reduction measures include: L8-12

- Limit the operating times of noise-producing activities and compliance with City Municipal Code requirements for construction hours of operation.
- Rerouting traffic and construction truck trips onto streets that can maintain desired levels of service and which do not adjoin noise-sensitive land uses. The DEIR includes a measure for a materials haul routes, but the City should be consulted on these routes since City residents and will be affected and City streets will be used.
- Lowering traffic speeds through street or intersection design methods.
- Conduct focused noise studies to supplement overall programmatic noise analysis to determine specific measures to avoid or minimize noise impacts.
- Best Management Practices (BMP's) should be established which include measures such as use of sound blankets, mufflers, temporary sound barriers, locating stationary equipment away from residences, neighboring property owner notification and a process to address construction noise complaints.
- Lastly, City Streets will be impacted from construction trips and the University should implement a pavement index evaluation before and after construction and cover the incremental costs for impacts related to the degradation of city roads.

L8-12 cont.

Population and Housing

The City appreciates and supports the Master Plan's efforts to plan for and provide a significant amount of student housing. The housing goals stated in the Master Plan, if reached, will benefit Cal Poly's students and, importantly, the surrounding community as well, returning needed housing stock to non-students and decreasing neighborhood compatibility issues. However, the DEIR relies on the housing goals stated in the Master Plan without providing assurances that the housing will actually be built or that it will be built in time to mitigate the impacts of increased enrollment. If the on-campus housing contemplated under the Master Plan is not timely built, impacts to transportation, air quality, noise, and housing will be more significant than evaluated in the DEIR.

Table 2-9 sets forth a helpful yearly estimate of enrollment and on-campus housing through the planning horizon of the Master Plan. However, the estimates are based on two assumptions that lack substantial evidence: (1) enrollment will increase at a steady yearly rate of only 205 students; and (2) new housing will actually be constructed consistent with stated goals, with no enforceable accountability measures or mitigations required if goals are not actually met. Because enrollment increases may occur at rates and in amounts that are much greater than have been estimated in the DEIR, and because housing may not be built on campus consistent with the Master Plan's stated goals, the DEIR's assumptions lack substantial evidence as a basis for its conclusions about environmental impacts.

L8-13

Affordable Housing

The DEIR does not include an analysis regarding potential housing impacts associated with the increased faculty, staff, vendors, and construction personnel necessary to complete the Master Plan and support the increase in enrollment. The 380 units proposed for the Slack and Grand project will not accommodate the 787 new employees anticipated under the Master Plan (when compared to 2015 levels), nor will it address housing needs generated by the 15-year construction period or the additional employees anticipated to use the expanded Technology Park. (See DEIR, p. 2-18.) The DEIR also does not evaluate impacts to housing that will result from the new employees required to support the staff at the new retirement community. If sufficient affordable housing is not available in the City, these employees will be required to commute to the campus and to the retirement community from outside of the area. The DEIR lacks sufficient evidence to show that these constraints were taken into account in the VMT analysis, the estimate of transportation impacts, or in the analysis of impacts on housing contained in this chapter. As the DEIR admits, the City is a high-cost housing market. (DEIR, p. 3.11-15.) Yet the DEIR does not contain any analysis of the potential impacts associated with the increased demand for affordable housing to support the new employees associated with the Master Plan. Both the City and County have Inclusionary Housing policies and ordinances to ensure that new development that creates a demand for affordable housing either directly or indirectly contributes to the construction of affordable housing units. The lack of analysis in the DEIR could be addressed through compliance with City or County inclusionary housing requirements. L8-14

Off-Campus Housing

The DEIR says that enrollment increases are likely to occur before new housing is constructed on-campus, which will require more students to seek housing in the City and County than are already living off-campus. (DEIR, p. 3.11-20.) The DEIR then dismisses impacts to housing in the City and County by arguing that vacancy rates would accommodate this influx of new residents. This conclusion is not supported by substantial evidence. First, vacancy rates in the City are less than 4%, not 6.3% as reported in the DEIR. According to the Census ACS Survey, the rental vacancy rate in 2017 was 3.63%. Moreover, the DEIR does not cite to evidence that a 6.3% vacancy rate equates to enough housing to accommodate at least 416 additional students (the number of additional enrolled students anticipated in the DEIR for the years 2020 and 2021). Nor does the DEIR provide any evidence or analysis of what will occur if new on-campus housing is not constructed by the year 2022, however, delays could occur and there are no mechanisms in the DEIR or Master Plan that link enrollment growth to the provision of new housing supply on campus. Therefore, the DEIR should have evaluated impacts to housing resulting from delays in construction of housing on-campus. The failure to do so results in underreported and unevaluated potentially significant impacts to housing. L8-15

Public Services

In April 2018, the City of San Luis Obispo published a Capital Facilities Development Impact Fee Nexus Study (EPS; April 16, 2018). The Nexus Study provided the City with L8-16

the necessary technical documentation to adopt updated fee programs to ensure that new development covers its fair share of the costs of infrastructure and public facilities that benefit the new development. Although the City's fee programs do not apply to development on campus, the Nexus Study provides a sound methodology under CEQA for the analysis of impacts to public facilities. The City encourages Cal Poly to use this Nexus Study as a basis to determine fair share contributions associated with the provisions of new residential uses on campus (other than student housing), such as the Grand/Slack workforce housing project and the retirement community project located west of Highway 1, near Stenner Creek Road. The City has available mitigation either via agreement or using impact fee methodology in the Nexus Study for each of the following issue areas. L8-16 cont.

Emergency Response

The DEIR evaluates potential impacts on fire service based on per capita calls for service to the campus in the year 2017 as well as off-campus calls for service made by students. (DEIR, p. 3.12-15.) These projections do not include any per capita analysis of calls for service to the new residents at the workforce housing (Slack and Grand) project or the retirement community project. In fact, there is no discussion of how fire and police services will be provided to these new communities, which are outside of the core area covered by the current emergency services agreement. In addition, the future population and planned uses at the retirement community are very different from the population and uses planned for the remainder of the campus. Therefore, the student-related calls used to estimate a rate of per capita calls for service cannot be relied upon to estimate impacts to public services associated with these projects. As a result, the DEIR should identify the need to update the current Emergency Services Agreement (July 1, 2018) prior to development and occupancy of either project. L8-17

Law Enforcement

The DEIR does not take into consideration additional demands on SLOPD services that will be generated by the retirement community and Slack and Grand projects. These projects are likely to require SLOPD services as non-student residents seek help from the San Luis Obispo police department in addition to University PD. Moreover, the retirement community's separation from the main campus makes it even more likely that calls for service will be answered by the Sheriff's Department as the site is located outside of City limits and across Highway 1 from the main campus. The DEIR does not disclose or evaluate how police services will be provided to these new communities nor how impacts to SLOPD and the Sheriff's Department will be addressed. L8-18

Parks and Recreation

The DEIR analyzes potential impacts to recreational and park facilities using an estimated total campus population of 28,935 to determine the total acres of recreational facilities needed to serve the population. This estimate excludes the proposed retirement community population, and possibly the Slack and Grand project population as well, which together may add another 1,025 residents and 60 employees to the Master Plan's L8-19

total population. As a result, the DEIR potentially underestimates the recreational needs and impacts of the increase in population contemplated under the Master Plan. L8-19 cont.

Transportation

Facility Expansion
The Master Plan project description includes expansion of existing sport and special event facilities on campus, including a 4,000-seat expansion of Alex Spanos Stadium. Trip generation from these expansions would generate thousands of additional trips in relatively short time periods and there are no policies or programs that would limit the use of these facilities. While level of service (LOS) or other measures of auto capacity may no longer be required as applicable thresholds of significance for analysis of transportation impacts under CEQA, the magnitude of additional trip generation (auto, bikes, peds, transit) from these expansions should be quantified to guide system planning and traffic handling plans and programs. The DEIR's transportation analysis should be updated to include an evaluation of the venues and events proposed in the Master Plan and the adequacy of the existing circulation system to accommodate these increased demands. In addition, the Master Plan should be updated with policies and programs that govern the use of these facilities. L8-20

Enrollment and Housing Linkage
The Master Plan provides estimates or forecasts for student enrollment levels and on-campus housing production through a phased development program through 2035. The transportation impact analysis provided in the DEIR considers the increased production of on-campus housing as a significant contributor towards reducing campus-generated VMT by providing opportunities for students to live in a location where most of their daily travel is possible via short trips by foot, bicycle or transit. However, the Master Plan does not include any formal policies, programs or mitigation mechanisms that govern actual enrollment levels or require the timely production of on-campus housing in tandem with, or in advance of, increases in on-campus enrollment or traffic-generating development. To address this, the Master Plan and DEIR should include policies or programs to govern actual enrollment and development to a level that is on pace with actual production of on-campus housing and informed by the actual effectiveness of the proposed Transportation Demand Management (TDM) programs as evaluated by regular trip/VMT monitoring activities. L8-21

Multimodal Transportation Demand
It is understood that auto level of service (LOS) and other measures of traffic congestion were not included to determine transportation impacts under CEQA pursuant to SB 743. In turn, the EIR Transportation section includes no quantitative estimates of auto traffic generation associated with buildout of the Master Plan. While the DEIR may not be required to evaluate auto traffic generation with respect to LOS or other capacity-related significance criteria to determine transportation impacts, complete omission of this information from the Transportation chapter presents significant challenges for entities such as the City with respect to system planning for streets and intersections that provide direct access to the Cal Poly Campus. For purposes of full disclosure, the City request that L8-22

the Final EIR include the estimated number of net new daily, AM and PM peak hour vehicle trips expected to be added to City streets within the vicinity of the campus. This information was provided in Appendix G for bicycle and pedestrian trips and should be replicated for auto trips. L8-22 cont.

VMT Impacts and Mitigation

The DEIR identifies a potentially significant impact (Impact 3.13-1) due to project-generated VMT that exceeds regional VMT thresholds. The corresponding mitigation measure (Mitigation 3.13-1) requires development and implementation of a Transportation Demand Management (TDM) plan and concludes that this impact would be reduced to a "less-than-significant" level. The adequacy of this mitigation approach is questionable for several reasons.

The EIR concludes that the TDM measures outlined in Mitigation Measure 3.13-1 would reduce campus-wide VMT to the level required to mitigate the identified impact—a net reduction of 5.04 VMT per service population (about 21% below the baseline Existing plus Project VTM estimates). However, the document provides no supporting analysis or documentation to verify whether this level of reduction is feasible or whether similar results have been achieved at comparable university campuses. Studies show that the ultimate efficacy of a TDM program can vary significantly from project to project. While there is available data and planning-level models that can be used for estimating TDM reductions—such as the CAPCOA model referenced in the CSU Transportation Impact Study Manual—the DEIR provides no supporting analysis or documentation to support the claims presented.

L8-23

The CSU CEQA Handbook recommends caution regarding use of mitigation measures that could be interpreted as "deferred mitigation." On pg. 84-85, the Handbook states: The CSU CEQA Handbook recommends caution regarding use of mitigation measures that could be interpreted as "deferred mitigation". On pg. 84-85, the Handbook states:

> "Mitigation measures cannot defer to future studies, consultations, or future undefined time. Such measures are called "deferred mitigation" and are easy points for legal challenge. In some situations, it is not known whether there will be an impact without doing additional surveys or studies, especially for large and long-term projects or programs for which a Program EIR is prepared. To avoid improper "deferred mitigation" you must clearly identify what you will do if any future studies identify that there could be an impact. Alternatively, if such information is not yet available, you need to incorporate performance standards or criteria into the measure to ensure that the strategies ultimately selected in fact will reduce the impact as reported in the CEQA document."

The Handbook continues with the following guidance:

> *"Remember: If some doubt exists as to whether a mitigation measure will fully mitigate the impact, it is good practice to indicate that the impact will remain significant and unavoidable even with the incorporation of mitigation."*

As currently presented, the strategies identified under Mitigation Measure 3.13-1 appear to be deferred mitigation. The DEIR recommends development of a TDM plan and identifies potential strategies that could be implemented to reduce vehicle trip generation, including a biennial monitoring program to track the efficacy of the TDM plan.

Of particular concern is the fact that this mitigation measure does not describe how VMT will be measured as part of this monitoring program, what performance criteria will be used to evaluate progress towards achieving the targeted VMT reduction, or what specific actions will be taken if monitoring results reveal that TDM strategies have not been sufficiently effective. The City has relayed on several occasions that this was a minimum measure that must be met and its absence is noticeable and does not provide the level of confidence that TDM or monitoring will be an integral part of achieving the University's projected mode shifts.

L8-23 cont.

Furthermore, this mitigation strategy does not require any measurable level of TDM implementation or VMT reduction prior to implementation of potential VMT-increasing activities, such as increases to student enrollment and on-campus employment without corresponding production of on-campus housing, allowing impacts to occur before mitigation would be implemented. This strategy relies on monitoring every two years to verify if required VMT reductions have been achieved, which potentially defers necessary mitigation until after an impact has materialized. Monitoring should be conducted annually, and mitigation measures should be taken immediately if VMT is higher than projected.

- It should be noted that a primary component of the TDM plan includes expansion of local and regional public transit services to the campus through coordination and fair-share contributions towards increasing SLO Transit and SLORTA bus services. However, because these transit services are not operated by Cal Poly, the university cannot ensure that these services are expanded as needed to meet the required VMT reduction targets. If VTM increases are not closely monitored and needed fair-share contributions are not provided prior to impacts occurring and/or if the amount of fair-share contributions is inadequate, the City would be put in a position of having to fund the gap to provide the increased service, or the City may not be able to shoulder the increased financial burden depending on the budget priorities at the time. The City of San Luis Obispo is agreeable to negotiating an MOU with the campus for the purpose of implementing this mitigation measure that broadly seeks to bring Cal Poly contributions in line with current and future operational needs.

L8-24

Within the Master Plan, Implementation Program 20 states that "Cal Poly should partner with the City to help develop off-campus bicycle improvements as prescribed in the City's bike plan and that improve connections between the campus and community." Further, DEIR Mitigation Measure 3.13-1 outlines a TDM program that includes a general recommendation to "support active transportation projects on and near campus through

infrastructure improvements to enhance safety and efficiency of these travel modes." The City of San Luis Obispo is agreeable to negotiating an MOU with the campus for the purpose of implementing this mitigation measure.

However, the DEIR should identify more specific recommendations or mechanisms for contributing towards active transportation infrastructure improvements within the vicinity of the campus. Potential mechanisms for proportionate contribution may include participation in the City's Transportation Impact Fee program, which funds citywide bicycle and pedestrian infrastructure improvements, or direct participation in projects near campus, such as the addition of separated/protected bicycle facilities, installation of accessible pedestrian curb ramps, additional street lighting, and intersection crossing enhancements. L8-24 cont.

Traffic Safety

The Environmental Setting section of the EIR Transportation Chapter provides a brief summary of existing collision trends for streets within the vicinity of the campus, as referenced from recent editions of the City's Annual Traffic Safety Report. However, the Impacts and Mitigation Measures section includes virtually no discussion or analysis of potential traffic safety issues outside of the campus boundaries with implementation of the Master Plan.

Per the DEIR, build-out of the Master Plan is projected to add approximately 930 new bicycle trips, 850 new pedestrian trips, and 133,000 net new VMT per day to City transportation facilities within the vicinity of the campus. There is no discussion of whether these increases in multimodal traffic demand can be accommodated by existing off-campus infrastructure, or whether this demand has potential to exacerbate existing traffic safety issues within the campus vicinity. Additional analysis of potential traffic safety considerations should be provided as follows: L8-25

A. Evaluate potential for additional traffic (auto, bike & pedestrian) generated by the campus to increase collision rates at the following high-collision rate locations as identified in recent City Traffic Safety Reports:
   - California/Taft
   - California/Monterey
   - California/US 101 NB Ramps
   - Grand/Loomis
   - California/Mill
   - Foothill/Santa Rosa
   - Foothill/Casa
   - Santa Rosa/Boysen
   - Foothill Boulevard (Tassajara to California)

B. While auto traffic capacity analysis may no longer be required to determine impacts to transportation, vehicle queuing analysis should be provided for the abovementioned intersections for the purposes of evaluating potential safety

impacts related to turn pocket queue spillback, or sight distance impacts as a result of project traffic. L8-25 cont.

Parking

The project does not include sufficient parking improvements to accommodate the increase in on-campus population contemplated in the Master Plan. It is also unclear if this is a formal aspect of the proposed TDM program. Even if first and second-year students are precluded from parking cars on-campus, the addition of only 174 new parking spaces will not be sufficient for the new faculty, support staff, and employees who will be working on campus, nor has evidence been presented that sufficient parking will be available for vendors, temporary employees, or event attendees, including attendees at the planned expansion of Spanos Stadium and the Technology Park expansion. Moreover, the project description indicates that Cal Poly intends to limit parking for certain students, however, these limitations are stated as intentions and not enforceable restrictions and the DEIR provides no evidence that the lack of parking on campus will actually persuade new students, employees, and visitors to not drive personal automobiles to campus. As the on-campus population increases, it is reasonable to assume that more cars will come with their owners. The DEIR does not describe how Cal Poly intends to ensure that students who live on or off campus do not bring cars to the area and park them off campus. This lack of planning for parking will perpetuate and increase impacts on the neighborhoods surrounding the campus where employees and visitors will be forced to search for parking. This, in turn, will create additional impacts to noise, roadway maintenance, and air quality in these areas. These impacts have not been evaluated properly in the DEIR. The City believes that coordination of specific mitigation measures on the matter of parking is important to ensure that any impacts created by a lack of parking on-campus do not simply spill over to City neighborhoods off-campus. L8-26

Utilities and Service Systems Utilities

Water Supply Resiliency

The DEIR is required to evaluate water resiliency to ensure that sufficient water supplies will exist to serve buildout under the Master Plan. The DEIR includes no evidence or information regarding how Cal Poly is planning for water resiliency during times when Whale Rock dam, spillway, pump stations, or pipeline are unavailable due to maintenance needs or construction. Cal Poly worked with the City to identify potential water supply alternatives to improve its water resiliency; however, Cal Poly did not provide this information in the DEIR. The 2007 Memorandum of Understanding (2007 MOU) between City and the University regarding capacity interest in City water and wastewater facilities does not address water supply resiliency. L8-27

Water Storage/Reservoir Expansion

The DEIR does not include an analysis of the impacts associated with the expansion of Cal Poly's existing reservoir system for recycled water storage necessary to support Cal Poly's proposed Water Reclamation Facility (WRF) and future water needs contemplated under the Master Plan. Appendix H, page 24, explains that Cal Poly's "*proposed WRF would also require expansion of the existing reservoir system to a maximum (total) of 100* L8-28

AF. If the existing reservoir system cannot be expanded then the University may potentially construct two additional reservoirs for recycled water storage from the WRF."

Water storage is also generally described on Project Description on page 2-40 and page 2-47. This expansion, or new construction of additional reservoirs, is not included in the impact analysis. One hundred acre-feet of water storage is nearly 32.6 million gallons - a substantial amount of water. The Master Plan EIR does not identify where this storage will be located, nor does the DEIR analyze the environmental impacts associated with construction and maintenance of these significant new facilities. It is also unclear whether the storage will be sized and under the jurisdiction of the Division of Safety of Dams. If so, the Division of Safety of Dams should be identified as a responsible agency and should be consulted regarding the adequacy, design, and permitting of the storage facilities. Because this information is not provided int the DEIR, impacts associated with providing the water and wastewater services necessary to support buildout of the Master Plan may be understated.

L8-28 cont.

The DEIR does not include analysis of daily and monthly non-potable water demands to support its water supply impact analysis. The daily and monthly demand pattern for agricultural and landscape irrigation is relevant to determining whether Cal Poly's proposed WRF will generate a sufficient and reliable water supply. Based on 2015 and 2019 data, Cal Poly's non-potable demand was over 850,000 gallons per day in July, when average daily wastewater generation was ~38,000 gallons in 2015 and ~75,000 gallons in 2019 for the entire existing campus.

The DEIR does not include information regarding the existing non-potable water storage capacity on-campus, the extent to which existing daily agricultural water demand will be feasibly supplied with water from the WRF, and the availability of sufficient storage to ensure delivery of enough water to meet agricultural demand. In other words, existing daily agricultural water demand is not estimated in the DEIR to support the concept that this demand will be offset with non-potable water from the proposed WRF. This information is necessary to inform the sizing of the needed storage and to illustrate that the planned water sources required to support buildout of the Master Plan are feasible. As a result, the DEIR does not include the information necessary to support its conclusions regarding impacts to agricultural uses and to water demands resulting from buildout of the Master Plan.

L8-29

The DEIR acknowledges that "some adjustments to the system, such as increased pumping to reservoirs or storage tanks may be necessary," however, no analysis was provided regarding the environmental impacts associated with the siting, construction, and maintenance of these new reservoirs and storage tanks. (DEIR, p. 3.14-14) In fact, neither the DEIR nor the Master Plan identify how many of these storage facilities are needed, where they will be located, or whether it is feasible to locate them in places that will not impact biological, cultural, hydrologic, and other resources. Instead, it is likely that the amount of storage that will be necessary to serve the new development contemplated in the Master Plan will be significant, which will likewise create significant impacts to sensitive resources. As a result, the DEIR fails to identify potentially significant impacts

associated with the infrastructure necessary to provide sufficient water to campus under the Master Plan. The DEIR's conclusion that the Master Plan will not require or result in the relocation or construction of new or expanded water infrastructure is not consistent with what is proposed by Cal Poly in the Master Plan (100 acre-feet of storage). This is a significant problem for the DEIR, as well as the Master Plan, as new housing and other amenities will not be able to be completed until these necessary improvements are completed and thus potentially creates a cascade of unmitigated impacts if campus population increases through increases in enrollment that does not include concomitant housing. L8-29 cont.

Short-Term Non-Potable Water Supplies

Mitigation Measure 3.14-3 relies on the possibility that the City may provide short-term non-potable water supplies to Cal Poly in the event that the WRF is not completed and capable of providing sufficient water supplies for near term projects. A number of important actions by the City would be required in order to enable this to occur. The City's General Plan will need to be amended to enable it to provide *non-potable* water to Cal Poly on a short term-basis[1], and an analysis must be completed to ensure that providing this water would not interfere with the City's existing entitlements and permits. A contract will also be required, which has not been negotiated between the City and Cal Poly. The City is open to discussing this arrangement, but additional time, resources, and City Council action is necessary, which the DEIR should acknowledge. Additionally, this measure defers an analysis of whether the provision of such non-potable water by the City would create its own negative environmental impacts.

A provision should be added to Measure 3.14-3 to allow reliance on such temporary non-potable sources only if no negative environmental impacts would occur as a result and for the sole purpose of delivering on campus housing. Finally, this measure does not include specific requirements for measuring and monitoring water demand in conjunction with any arrangement for short-term water supplies from the City and expected completion of the WRF. The measure should be amended to require measuring and monitoring of water demand and supplies in sufficient intervals and using realistic and supported projections of future supply and demand to ensure that enough potable water will truly be available to serve new construction and non-potable water will be available to continue to serve Cal Poly's existing agricultural uses. L8-30

The DEIR concludes that the Master Plan will have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years due to implementation of Measure 3.14-3. However, this measure does not account for the possibility that new housing and other water-dependent construction

[1] General Plan Policy 1.13.2. Recycled Water. Provision of recycled water outside of City limits may only be considered in compliance with Water and Wastewater Element Policy A 7.3.4 and the following findings: A. Non-potable/recycled water is necessary to support continued agricultural operations. B. Provision of non-potable/recycled water will not be used to increase development potential of property being served. C. Non-potable/recycled water will not be further treated to make it potable. D. Prior to provision of non-potable/recycled water, the property to be served will record a conservation, open space, Williamson Act, or other easement instrument to maintain the area being served in agriculture and open space while recycled water is being provided.

may be built under the Master Plan before the WRF and associated expansion of existing water storage reservoirs, or construction of new water storage reservoirs, are completed or capable of providing sufficient water to offset demand and that short-term non-potable water supplies may be available for some period of time but become unavailable before the WRF is completed. In this event, the new housing and other buildings would be occupied but Cal Poly would not have sufficient potable water available through its Whale Rock entitlement, or through a temporary non-potable supply from the City, to supply all of its demand. It is also possible that problems will occur during the design, construction, and permitting of the WRF and associated expansion of existing water storage reservoirs, or construction of new water storage reservoirs, such that it becomes significantly delayed or rendered infeasible altogether. Because the design of the WRF is not complete and there is currently no plan for sufficient storage capacity, it is questionable that reliance on the WRF is feasible to mitigate the Master Plan's future water demand.

L8-30 cont.

It is highly unlikely that the WRF and associated water storage will be constructed and operational by the year 2022. Design, construction, and permitting of new water reclamation and water storage facilities take significant amounts of time and resources. As a result, it is likely that Cal Poly will require alternative water sources to supply new development under the Master Plan, as contemplated in Mitigation Measure 3.14-3, and additional capacity within the City's WRRF to accommodate growth until Cal Poly's WRF is operational. To the extent that a delay in completion of the WRF also delays completion of new on-campus housing to defray housing, transportation, air quality, and GHG impacts caused by increased enrollment, these would be new or substantially increased impacts of the Master Plan that are not evaluated or disclosed in the DEIR.

Impacts to the City's Water Resource Recovery Facility (WRRF)

Table 3.14-8 summarizes projected wastewater flows under full buildout of the Master Plan. However, the table does not include an estimate of flows occurring during the years 2015-2020. From 2015 to 2019, flows have increased from 197,557 gallons per day (gpd) in 2015 to 274,795 gpd in 2019, an increase in the annual average 79,480 gpd. The 2007 MOU identifies Cal Poly's capacity interest as "*daily dry weather flow calculated on a monthly average of .471 million gallons daily."* Cal Poly's monthly average dry weather flow has increased from 302,595 gpd in 2015 to 384,627 gpd in 2019, an increase in 82,032 gpd. By not including the increased flows that have occurred since the year 2015, the DEIR underestimates the total amount of wastewater that will be generated under the Master Plan. This underestimation impacts Cal Poly's ability to rely on its proposed WRF and the City's wastewater services to meet total Master Plan demand.

L8-31

The baseline wastewater flows identified in Table 3.14-10 do not identify appropriate flows to accurately measure impacts associated with increased wastewater generated under the Master Plan. Table 3.14-10 identifies an "average annual flow" in 2015. However, as described above, the 2007 MOU for wastewater treatment services uses *daily dry weather flow calculated on a monthly average*, which is higher. Using Cal Poly's wastewater flow for 2019 leaves less than an additional 100,000 gpd available for the year 2020. If projected flow increases are correct for the year 2025 as identified in Table 3.14-10 (114,433 gpd), Cal Poly does not have sufficient capacity under the 2007 MOU

regarding capacity interest in City facilities to support Master Plan development planned to be online in 2025. This is a potentially significant impact that is not disclosed, evaluated, or mitigated in the DEIR.

Given the likelihood of delays in completion, permitting, and operation of the new WRF, it will be likely that Cal Poly will rely on increased wastewater treatment services the City to support the Master Plan. Mitigation Measure 3.14-4a would preclude operation of new facilities under the Master Plan until the WRF is completed or sufficient wastewater services are available from the City. However, as stated above, based on the trend from 2015 to 2019, Cal Poly is expected to exceed existing capacity at the City's WRRF in the year 2025 under the 2007 MOU. As a result, it is likely that new on-campus housing projects will be delayed even though enrollment is expected to increase. This will result in new and increased impacts to housing, transportation, air quality, and GHG that have not been analyzed in the DEIR.

L8-31 cont.

Impacts to the City's Wastewater Collection System

The DEIR acknowledges that Cal Poly's existing peak wet weather wastewater flows exceed the 1.2 mgd limitation included in the 2007 MOU between the City and Cal Poly, that flows exceeded the limit in the year 2015, and that even implementation of the WRF and other conservation measures will not adequately address these exceedances. Mitigation Measure 3.14-4b addresses this issue by requiring Cal Poly to implement inflow and infiltration reduction projects to reduce peak wet weather flows, which the City appreciates. However, the measure requires that the inflow and infiltration reduction projects reduce flows to 2018/2019 levels, not to the 1.2 mgd limitation stated in the 2007 MOU which is not adequate mitigation nor consistent with its commitment to the City of San Luis Obispo.

L8-32

The DEIR does not evaluate the environmental effects of peak wet weather flows caused by inflow and infiltration into Cal Poly's sewer pipes. These peak flows utilize capacity reserved for future development in the City and can lead to sanitary sewer overflows in the City's wastewater collection system. Sanitary sewer overflows are a public health risk and can result in NPDES (National Pollutant Discharge Elimination System) Permit violations, fines from the Central Coast Water Board, beach closures by the San Luis Obispo County Public Health Department, Clean Water Act third party lawsuits, or a long-term enforcement agreement referred to as a consent decree. Environmental impacts from Cal Poly's peak wet weather flows must be disclosed and evaluated in the DEIR.

Impacts to the City's Water Treatment Plant and Water Distribution System

The Water Supply Assessment, included in DEIR Appendix H, assumes that the portion of Cal Poly's Whale Rock supply currently used for agricultural uses will be replaced with non-potable water from Cal Poly's proposed WRF, freeing up all of Cal Poly's Whale Rock water for potable use to serve new residents, students, and employees on campus. (DEIR, p. 3.14-12.) This will require the City to treat more water than it is currently treating for Cal Poly. Although the DEIR acknowledges that the 2007 MOU provides Cal Poly up to 1,000 AFY of water treatment services (1.44 mgd), peak day projections provided in Table 15 exceed 1.44 mgd. This impact is not identified in Impact 3.14.1.

L8-33

Additionally, the impact analysis in section 3.14.1 references the Water Supply Assessment which includes numerous assumptions related to the operation of the City's water distribution system that are not identified in the 2007 MOU and were not validated by the City prior to inclusion in the DEIR. Without a detailed review and understanding of the modeling assumptions, the City does not agree with the conclusion under Impact 3.14.1, on page 3.14-14 that "*Modeling indicates that there is adequate conveyance capacity to accommodate anticipated development associated with the 2035 Master Plan under average day demand, peak daily demand, and peak hourly demand*." Also, due to these assumptions, the City does not agree with the determination provided in Section 1.4 (3) that *"There is adequate City potable water conveyance capacity under ADD, PDD, PHD, and PDD + City FF for all Cal Poly flow conditions modeled."*[i] Both Section 3.14 and Appendix H refer to a *Cal Poly Utility Master Plan* with an anticipated completion date in early 2020. This document has not been made available for City review and may also include invalid assumptions related to the operation of the City's water distribution system. A modification to the MOU between Cal Poly and the City is needed to clarify assumptions related to peaking factors, fire flow, storage, and conveyance capacity to determine whether significant capital improvements are necessary to Cal Poly's or the City's water distribution systems for buildout of the Master Plan. L8-34

Water and Wastewater Service to the Proposed Retirement Community

The DEIR does not disclose impacts associated with connecting the planned retirement community located west of Highway 1 from the rest of campus and may rely on the City's water distribution system for its water service (including fire flow and storage) and/or the City's wastewater collection system. It is unclear whether any planning or environmental analysis has been conducted to determine that water and wastewater services to these areas is available and can be feasibly provided, or if Cal Poly is intending to rely on the City to provide domestic water, fire flow, and water storage and treat wastewater from this facilities. As identified in the City's General Plan, the City's wastewater collection system is capacity constrained during peak wet weather in the service area adjacent to Cal Poly's proposed retirement community. Average wastewater flow is estimated at 21,129 gpd in Appendix I, Table 1, in 2030. If Cal Poly is proposing to connect to the City for wastewater collection service, mitigation would be required to achieve an adequate, measurable offset of wet weather wastewater flows. L8-35

[i] "ADD" is average day demand; "PDD" is peak daily demand; "PHD" is peak hourly demand; City FF is City fire flow.

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December 1, 2015

Jeffrey D. Armstrong
President
Office of the President
Cal Poly State University
San Luis Obispo, CA

SUBJECT: City Comments on the Cal Poly Master Plan Update

Dear President Armstrong:

Please consider the attached City comments on land use concepts under consideration for the Cal Poly Master Plan update. The comments were endorsed by the City Council on November 17, 2015. Final City comments are based on the "Guiding Principles for Input on the Cal Poly Master Plan Update," which were adopted by the City Council on September 15, 2015. The "Guiding Principles" were informed by General Plan policies relevant to the update covering topics such as: Neighborhood Wellness, Economic Health, Housing, Multi-modal transportation, Protection of Agriculture and Open Space Resources, Diversity, and Public Services.

On behalf of the City Council, I'd like to express our appreciation for the efforts Cal Poly has put forth to reach out to the community and collaborate with the City of San Luis Obispo as a key stakeholder. It is in this spirit that you will see many of the City comments include continued and enhanced communication and collaboration between Cal Poly and the City of San Luis Obispo.

Thank you for your consideration of the City of San Luis Obispo's comments on the Cal Poly Master Plan Update.

Sincerely,

Jan Marx
Mayor
City of San Luis Obispo

Attachments: City Comments on Cal Poly Master Plan Update
Guiding Principles for Input on the Cal Poly Master Plan Update

CC: San Luis Obispo City Council
Katie Lichtig, City Manager
Michael Codron, Community Development Director

City Input on Cal Poly Master Plan Update Land Use Concepts

1) Explore implementation of programs and incentives for faculty and staff to live within existing neighborhoods (not on campus) to stabilize neighborhoods close to campus.
2) Master Plan policies/principles should address neighborhood compatibility in terms of scale, density, character of development and residential neighborhoods should be limited and only be designated for staff, faculty and family housing. Neighborhood Sensitivity zones should also be added to the residential neighborhood area west of Highway 1 that is adjacent to existing City neighborhoods.
3) The Master Plan update should include recommendations of the Neighborhood Wellness/Community Civility Report where applicable.
4) Proposed Residential Neighborhood Development should be sited and developed in order to avoid or minimize impacts to scenic view sheds and environmental resource impacts (riparian, creek, agriculture).
5) New development in the Poly Canyon area and on land adjacent to City Open Space should consider regional trail connections and coordinated with City and US Forest Service Staff.
6) Large events resulting from new facilities and expansion of existing facilities (e.g. Arena, Agriculture Events Center, Mott Gym, Spanos Stadium, etc.) that have the potential to affect the City transportation system should include advance notification and coordination with City staff to minimize impacts; and any potential cumulative impacts on the City's infrastructure, including but not limited to the transportation, streets, and bikes systems associated with large events at those facilities should be fully evaluated and mitigated in the Campus Master Plan Update EIR.
7) Impacts to City emergency services and Police mutual aid response should be evaluated and mitigated since the expansion of these facilities have the potential to result in increased calls for fire, rescue, and medical service during large events.
8) Further evaluation of the wastewater facility west of California Boulevard should assess potential impacts on existing uses in the vicinity and consider relocation of the facility to a location with greater separation from existing residential neighborhoods and City boundaries.
9) Master Plan and EIR should explore the impact of growth on City services, including but not limited to recycled water, wastewater, police, fire, and neighborhood wellness.
10) Coordinate future development plans for review and cooperation in planning with City Departments (Transportation, Police, Fire, Utilities, Natural Resources, Planning).
11) Fiscal Impact Analysis. In order to accurately evaluate potential service impacts the University should prepare a Fiscal Impact Analysis.
12) The final Refined Master Plan Update should consider the City's Guiding Principles for the Master Plan Update and relevant City General Plan policies for which they are based.

CITY'S GUIDING PRINCIPLES FOR CAL POLY MASTER PLAN UPDATE

The following principles are not prioritized, and are each supported by a few, exemplary goals or policy statements from the City's General Plan (see Appendix that follows).

1. **Neighborhood Wellness** – The Master Plan should support efforts to provide a safe and positive living environment for all residents in City neighborhoods. The recommendations found in the Neighborhood Wellness/Community Civility report should be implemented wherever possible. The Master Plan should include buffers between areas of campus activities and adjoining residential neighborhoods; protect neighborhoods from light, noise, and glare from campus development; pull more intensive uses to the interior of campus; and provide suitable locations for parties and Greek life housing and activities on campus.

2. **Economic Health** – The Master Plan should support the economic health of the City, and negative fiscal impacts created by Plan implementation should be mitigated by the University. The Master Plan should support consideration of a hotel/conference facility within the City limits.

3. **Housing** – The Master Plan should continue to push to house all undergraduate students on campus. In the interim, future increase in enrollment should be linked to prior provision of on-campus housing. Programs should be included to encourage housing for faculty and staff within existing neighborhoods (not on campus) to both stabilize neighborhoods close to campus and encourage residents to rely on active transportation and transit to get to and from campus.

4. **Multi-Modal Transportation** – The Master Plan should support City goals for modal-split, encourage walking, cycling, and the use of transit by students and employees, and discourage single-occupant vehicle trips from the University into the City. Programs should support continued contribution to City transit; provision of an internal campus shuttle system; improved hub for a transit center; and restriction of parking passes for residents living within one (1) mile of campus.

5. **Protection of Open Space and Agricultural Resources** – Land planning for future growth should take into account impacts on natural resources, preserve agricultural land to the greatest extent feasible, and identify opportunities preserve important open space resources while making important connections to other public open space lands adjacent to the University. The Master Plan should include provisions for conservation easements on open space lands.

6. **Diversity** – The Master Plan should support a diverse population and contribute positively to a larger community that welcomes and respects all people.

7. **Public Services** – The Master Plan and EIR should fully explore the impact of growth on City services: recycled water, wastewater, police, fire, and code enforcement and should include a fiscal impact analysis for City services to ensure that future growth of the

University contributes its fair share to support city services, so that existing levels of service to the community are not eroded as the University enrollment continues to grow.

POLICY SUPPORT FOR GUIDING PRINCIPLES

NEIGHBORHOOD WELLNESS

Land Use Element (LUE) LUE 2.1. Neighborhood Focus. The City shall preserve, protect and enhance the City's neighborhoods and strive to preserve and enhance their identity and promote a higher quality of life within each neighborhood.

LUE 2.3.11. Residential Project Objectives. Residential projects should provide:

A. Privacy, for occupants and neighbors of the project;

B. Adequate usable outdoor area, sheltered from noise and prevailing winds, and oriented to receive light and sunshine

C. Use of natural ventilation, sunlight, and shade to make indoor and outdoor spaces comfortable with minimum mechanical support.

D. Pleasant views from and toward the project;

E. Security and safety.

F. Bicycle facilities consistent with the City's Bicycle Plan;

G. Adequate parking and storage space;

H. Noise and visual separation from adjacent roads and commercial uses. (Barrier walls, isolating a project, are not desirable. Noise mitigation walls may be used only when there is no practicable alternative. Where walls are used, they should help create an attractive pedestrian, residential setting through features such as setbacks, changes in alignment, detail and texture, places for people to walk through them at regular intervals, and planting.)

I. Design elements that facilitate neighborhood interaction, such as front porches, front yards along streets, and entryways facing public walkways.

J. Buffers from hazardous materials transport routes, as recommended by the City Fire Department.

LU 2.2.6 Neighborhood Characteristics

The City shall promote livability, quiet enjoyment, and safety for all residents. Characteristics of quality neighborhoods vary from neighborhood to neighborhood, but often include one or more of the following characteristics:

A mix of housing type styles, density, and affordability.

Design and circulation features that create and maintain a pedestrian scale.

Nearby services and facilities including schools, parks, retail (e.g., grocery store, drug store), restaurants and cafes, and community centers or other public facilities.

A tree canopy and well-maintained landscaping.

A sense of personal safety (e.g., low crime rate, short police and emergency response times).

Convenient access to public transportation.

Well-maintained housing and public facilities.

LU 2.6.5 Fraternities & Sororities

The City shall work with Cal Poly to develop a proposal to locate fraternities and sororities on campus for consideration by the CSU Board. If locations on campus cannot be provided, fraternities and sororities should be limited to medium-high and high-density residential areas near the campus.

Housing Element (HE) HE 8.18 Jointly develop and implement a student housing plan and continue to support "good neighbor programs" with Cal Poly State University, Cuesta College and City residents. The programs should continue to improve communication and cooperation between the City and the schools, set on- campus student housing objectives and establish clear, effective standards for student housing in residential neighborhoods.

ECONOMIC HEALTH

LUE San Luis Obispo should:
14. Retain existing businesses and agencies, and accommodate expansion of existing businesses, consistent with other goals.
15. Emphasize more productive use of existing commercial buildings and land areas already committed to urban development.
16. Provide an adequate revenue base for local government and public schools.
17. Provide high quality public services, ensuring that demands do not exceed resources and that adequate facilities and services can be provided in pace with development.
18. Cooperate with other agencies in the county to assure that increases in the numbers of workers and college and university students in the San Luis Obispo area do not outpace housing availability.
24. Provide a resilient economic base, able to tolerate changes in its parts without causing overall harm to the community.
25. Have developments bear the costs of resources and services needed to serve them, except where the community deliberately chooses to help pay in order to achieve other community goals.
27. Serve as the county's hub for: county and state government; education; transportation; visitor information; entertainment; cultural, professional, medical, and social services; community organizations; retail trade.

HOUSING

LUE Goal 18. Cooperate with other agencies in the county to assure that increases in the numbers of workers and college and university students in the San Luis Obispo area do not outpace housing availability.

LUE 2.6.1 Cal Poly
The City shall encourage Cal Poly to build housing on campus for all of its students, to the extent feasible. On-campus housing should be expanded at least as fast as enrollment increases. Consideration shall be given for housing for faculty and staff as student enrollment increases.

LUE 2.6.4 Location
The City shall encourage the development of housing likely to attract faculty, staff, and students to locate close to Cal Poly. The City shall work with Cal Poly to facilitate faculty and staff owning or renting housing in adjacent neighborhoods.

HE 8.4 Encourage Cal Poly University to continue to develop on-campus student housing to meet existing and future needs and to lessen pressure on City housing supply and transportation systems.

HE 8.5 Strengthen the role of on-campus housing by encouraging Cal Poly University to require freshmen and sophomore students to live on campus.

HE 8.6 Locate fraternities and sororities on the Cal Poly University campus. Until that is possible, they should be located in Medium-High and High Density residential zones near the campus.

HE 8.7 Encourage Cal Poly University to develop and maintain faculty and staff housing, consistent with the General Plan.

MULTI MODAL

Circulation Element (CE) CE 1.6.1. Transportation Goals

1. Maintain accessibility and protect the environment throughout San Luis Obispo while reducing dependence on single-occupant use of motor vehicles, with the goal of achieving State and Federal health standards for air quality.
2. Reduce people's use of their cars by supporting and promoting alternatives such as walking, riding buses and bicycles, and using car pools.
3. Provide a system of streets that are well-maintained and safe for all forms of transportation.
4. Widen and extend streets only when there is a demonstrated need and when the projects will cause no significant, long-term environmental problems.
5. (Omitted)
6. Promote the safe operation of all modes of transportation.
7. Coordinate the planning of transportation with other affected agencies such as San Luis Obispo County, Cal Trans, and Cal Poly.
8. Reduce the need for travel by private vehicle through land use strategies, telecommuting, creative transportation demand management, and compact work weeks.
9. Support the development and maintenance of a circulation system that balances the needs of all circulation modes.

CE 1.7.1. Encourage Better Transportation Habits

Increase the use of alternative forms of transportation (as shown on Table 1) and depend less on the single-occupant use of vehicles.

Type of Transportation	% of City (1) Resident Trips
Motor Vehicles	50%
Transit	12%
Bicycles	20%
Walking, Car Pools, and other Forms	18%

LUE 2.2.3 Neighborhood Traffic

Neighborhoods should be protected from intrusive traffic. All neighborhood street and circulation improvements should favor pedestrians, bicyclists, and local traffic. Vehicle traffic on residential streets should be slow. To foster suitable traffic speed, street design should include measures such as narrow lanes, landscaped parkways, traffic circles, textured crosswalks, and, if necessary, stop signs, speed humps, bollards, and on-street parking and sidewalks.

LUE 2.2.4 Neighborhood Connections

The City shall provide all areas with a pattern of streets, pedestrian network, and bicycle facilities that promote neighborhood and community cohesiveness. There should be continuous sidewalks or paths of adequate width, connecting neighborhoods with each other and with public and commercial services and public open space to provide continuous pedestrian paths throughout the city. Connectivity to nearby community facilities (such as parks and schools), open space, and supporting commercial areas shall also be enhanced, but shall not be done in a method that would increase cut-through traffic. (See also the Circulation Element.)

PROTECTION OF OPEN SPACE AND AGRICULTURAL RESOURCES

LUE Goal 4. Protect, sustain, and where it has been degraded, enhance wildlife habitat on land surrounding the city, at Laguna Lake, along creeks and other wetlands, and on open hills and ridges within the city, so that diverse, native plants, fish, and animals can continue to live within the area.

LUE Goal 6. Recognize the importance of farming to the economy of the planning area and the county, protect agriculture from development and from incompatible uses, and protect remaining undeveloped prime agricultural soils.

Conservation and Open Space Element (COSE) COSE 8.1 Greenbelt. Open space outside the urban area
Secure and maintain a healthy and attractive Greenbelt around the urban area, comprised of diverse and connected natural habitats, and productive agricultural land that reflects the City's watershed and topographic boundaries.

COSE 8.2.1 Open space preserved.

The City will preserve as open space or agriculture the undeveloped and agricultural land outside the urban reserve line, including the designated Greenbelt as shown in Figure 5, and will encourage individuals, organizations and other agencies to do likewise.

DIVERSITY

HE Goal 4. Preserve and accommodate existing and new mixed-income neighborhoods and seek to prevent neighborhoods or housing types that are segregated by economic status.

LUE Goal Society and Economy. San Luis Obispo should be a well balanced community. Environmental, social, and economic factors must be taken into account in important decisions about San Luis Obispo's future. A healthy economy depends on a healthy environment. The social fabric of the community for both residents and visitors must also be part of that balance.

LUE Goal San Luis Obispo should:
23. Enrich community cultural and social life by accommodating people with various backgrounds, talents, occupations, and interests.

PUBLIC SERVICES

LUE Goal 17. Provide high quality public services, ensuring that demands do not exceed resources and that adequate facilities and services can be provided in pace with development.

LUE Goal 25. Have developments bear the costs of resources and services needed to serve them, except where the community deliberately chooses to help pay in order to achieve other community goals.

LUE Goal 42. San Luis Obispo should: Be a safe place to live.

Water and Wastewater Element (WWE) WWE B2.2.3 Wastewater Service for New Development
New development shall pay its proportionate or "fair share" of expanded treatment and collection system capacity and upgrades. New development will only be permitted if adequate capacity is available within the wastewater collection system and/or Water Reclamation Facility.

Safety Element (SE) SE 3.0 Adequate Fire Service
Development shall be approved only when adequate fire suppression services and facilities are available or will be made available concurrent with development, considering the setting, type, intensity, and form of the proposed development.

Office of the City Manager
990 Palm Street, San Luis Obispo, CA 93401-3249
805 781 7114
slocity.org

September 11, 2017

Dr. Jeffrey D. Armstrong
President, California Polytechnic State University
Administration Building
San Luis Obispo, CA 93407

Dear Dr. Armstrong,

I am writing to provide you with the City of San Luis Obispo's assessment of the impacts associated with the increased enrollment expected on campus for Fall 2017. On August 15, 2017, Keith Humphrey presented the specifics to our City Council, indicating that 1,000-1,200 additional students are expected to be enrolled in classes this Fall.

During his presentation, Keith was very clear that this was a surprise. In fact, the University has consistently messaged to City leaders and the community that enrollment would be kept at a "steady state" until a variety of changes occurred on campus, including increased housing to accommodate any increase to the student body.

The news that enrollment would not be held at a steady state – and would actually increase by a significant percentage – is not welcome because increased enrollment will increase the cost of services provided by the City to the campus and community and these costs have not been planned for or budgeted.

The City and Cal Poly have a mutually beneficial relationship and a variety of partnerships and agreements that benefit both City residents and the campus. These include law enforcement, emergency response, water and sewer service, transit service, neighborhood wellness initiatives, and information technology infrastructure. Both the City and the University embrace sustainability as a guiding principle for future decision-making.

Given our close relationship and the goal of moving forward to a productive and sustainable future together, we are hopeful that the University will give careful consideration to the following assessment of impacts and the associated request for resources to mitigate the impacts that the City expects to realize with increased enrollment.

In some cases, our agreements are somewhat formulaic (water and sewer service) and the increased enrollment can be translated into a direct cost in line with existing methodology. In the case of transit, impacts are anticipated that go beyond the scope of our existing agreements, but those costs can be fairly easily predicted based on our extensive experience serving campus based on our review of empirical data. With respect to law enforcement, emergency response, and code enforcement, the City has identified the impacts expected from the increased enrollment and has identified ways that these impacts can be mitigated through the assignment of additional resources, the costs of which should be borne by Cal Poly.

Emergency Response (Fire and Medical Services)

The Fire Department has invested significantly in partnering with the University to improve decision making of incoming students with a goal of increasing student safety by decreasing overconsumption of alcohol, thus decreasing the need for emergency medical services. Alcohol-influenced decision making is a primary factor in calls for service related to the University student population.

The Fire Department routinely tracks all emergency medical responses based on location and patient demographics, including all calls to the University campus and all calls involving University students. On a daily basis beginning during the Week of Welcome (WOW), the Fire Chief and his staff will evaluate system-wide emergency response coverage related to University impacts. If the increase in enrollment is attributed to an anomalous increase in fire and/or medical calls for service, the Fire Department will need to increase staffing to ensure the availability of sufficient resources to serve the campus and the City.

If this is the case, the most likely scenario would result in putting into service a two-person medical response unit to address emergency call volume trends. The cost for this increased service (equipment and personnel) is $112 per hour. If, for example, this staffing adjustment was necessary for 12-hour periods on Thursday, Friday, and Saturday, the weekly cost of this scenario will be $4,032. The authority to exercise staffing adjustments resides with the Fire Chief, who will consult with the University Police Chief prior to implementing any planned staffing increases. The length of this enhanced staffing model would also be based on emergency response trends related to providing service to the University.

Law Enforcement

In consideration of the projected increase of 1,000 to 1,200 students for the 2017/18 Cal Poly school year, the San Luis Obispo Police Department believes there will be increases in certain student related call types. Call types that significantly involve students are alcohol related, noise, DUI and parking/abandoned vehicles.

Noise, nuisance and alcohol:
Considering the majority of the student population increase is within the freshman class, we anticipate there will be a significant impact on neighborhood wellness. This will include students attending house parties, under-aged drinking, open containers and added foot traffic within the neighborhoods that also leads to nuisance related activity.

Some of the anticipated impacts can be handled by our SNAP (Student Neighborhood Assistant Program) employees. SNAP employees are current Cuesta and Cal Poly students. SLOPD believes an increase of 2 SNAP employees, for 36 weeks, each at 20 hours per week, would address these impacts. At the current salary rate for SNAP employees ($12.96) this would be an added cost of $18,662 a year to SLOPD's budget.

This will not address any increases in criminal activity, property crime, or second response/long term noise impacts that cannot be addressed by SNAP. However, SLOPD and UPD are currently in an MOU that allows UPD to enforce municipal code violations within a 1-mile radius of the Cal Poly campus. This MOU was established to help address neighborhood wellness issues involving

students within the neighborhoods surrounding Cal Poly, and can now be utilized to further address the impacts associated with increased enrollment.

In order to further address anticipated impacts, SLOPD is asking that Cal Poly PD increase staffing on San Luis Obispo's busiest days and times. The additional staffing would be assigned to the neighborhoods surrounding Cal Poly to help enforce municipal code violations related to the potential increased in student related violations. Our busiest days while Cal Poly is in session is Thursday night to early Sunday morning between 8:00 p.m. and 2:00 a.m.

SLOPD will be tracking student related (CP, Cuesta and other) calls for service during the 2017/18 school year. Currently there is no definitive data to project the impacts related to the increase in the student population. SLOPD will evaluate the statistical impacts throughout the year to further determine the impacts related to the increased number of students added in the 2017/18 school year.

Parking

Cal Poly has implemented a policy, which does not allow incoming freshman to park their vehicles on campus. It is our belief there will still be a percentage who bring their vehicles to San Luis Obispo and potentially park in neighborhoods. If only 15% bring a vehicle to San Luis Obispo, there will be an additional 150 vehicles on SLO streets without a corresponding residence. Many of the neighborhoods surrounding Cal Poly have parking restrictions that will require stepped up enforcement to reduce negative impacts. With limited parking near campus, many will have to park their vehicle further away from campus and may legally park their vehicles for no more than 72 hours in one location. This will likely create an increase in the number of calls regarding abandoned vehicles in addition to additional calls for vehicles violating other parking regulations. Vehicles reported as abandoned must be marked and tagged with a 72-hour notice and rechecked at the conclusion of the 72-hour period. The additional staff costs for increased enforcement and monitoring are calculated at $10,130 during the school year, based on hourly rates for enforcement staff that would be assigned the work.

Transit

As a direct result of increased enrollment and the prohibition of Freshman bringing cars on campus, additional and unbudgeted transit services will need to be deployed to meet increased passenger loads and maintain the reliable service area residents depend on. Based on prior years' assessments (e.g. Closure of Grand Ave Parking Lot, Farmers Market nights, extra late evening service and associated fuel expenses, etc.), no less than $26,000 in unbudgeted services would need to be deployed. This value is directly tied to additional services SLO Transit has provided for the direct benefit of the University and does not account for the loss in revenues from the riding General Public who complained of "being crowded out" of public transit by the increased transit use by students, faculty, and staff.

- Additional Tripper Service - $14,000
- Additional Farmers Market Service - $5000
- Additional Late Evening Service - $5000
- Associated Fuel - $2,000

Neighborhood Services and Code Enforcement

The Community Development Department is active in the neighborhoods around campus performing pro-active code enforcement to implement the City's Neighborhood Enhancement Ordinance. In addition, traditional code enforcement addresses complaints related to construction without permits, such as garage conversions. The area around the Cal Poly campus experiences a greater incidence of activities that require code enforcement resources than other neighborhoods in the City. Increased enrollment is expected to exasperate this effect, particularly until the new dorms open in Fall 2018, which may temporarily reduce this pressure.

Over the past few years, progress has been made in the area of neighborhood wellness. The neighborhoods around Cal Poly campus have been closely monitored by City Code Enforcement Technicians who routinely make contact with residents. New regulations regarding property maintenance, storage of refuse containers, outdoor furniture, and maintenance of weeds/lawns has had a beneficial impact and raised expectations for all City residents. For students living in neighborhoods - often living alone for the first time - this program has had a demonstrably positive impact. The improvements have been noted during recent neighborhood walk-abouts with Cal Poly and City officials.

A Code Enforcement Technician I position that normally helps patrol the neighborhoods is currently filled by a contract employee. That contract is set to expire on November 29, 2017, which would leave one technician to patrol all property within the city limits. If this resource is eliminated during a time of increased enrollment, much progress in the area of neighborhood wellness around campus could be lost.

As a result, the City is requesting that Cal Poly fund the contract of a Code Enforcement Technician I between November 29, 2017 and June 27, 2018 at a cost of $37,500. Maintaining this resource during a time of increased enrollment will help maintain neighborhood wellness prior to the availability of new on-campus housing.

Summary of Impacts

The following table summarizes the costs associated with increased services required by over-enrollment that the City would expect to realize. The total dollar value the City is requesting to address the impacts of increased enrollment is $92,292 during the 2017-18 academic year.

In addition, as previously discussed in this letter, if the increase in enrollment is attributed to an anomalous increase in fire and/or medical calls for service, the Fire Department will need to increase staffing to ensure the availability of sufficient resources to serve the campus and the City. The costs associated with this additional resource would be $4,032 per week.

Finally, in order to further address anticipated impacts, SLOPD is asking that Cal Poly PD increase staffing on San Luis Obispo's busiest days and times. The additional staffing would be assigned to the neighborhoods surrounding Cal Poly to help enforce municipal code violations related to the potential increased in student related violations. Our busiest days while Cal Poly is in session is Thursday night to early Sunday morning between 8:00 p.m. and 2:00 a.m.

It is our request that Cal Poly evaluate this information carefully and agree to cover the costs identified to ensure that the services provided by the City may be continued in a manner that does not impact the quality of life on campus or within the City.

Service Area	Scope of Additional Service	Cost Estimate
Emergency Response	Two-Person Medical Response, 36-Hour total, Thursday-Sunday	$4,032/week if warranted by calls for service
Law Enforcement	UPD up-staff Thursday PM to early Sunday AM	(Cal Poly cost)
Known Direct Costs to City		
Law Enforcement	Two additional SNAP employees, 20-hours/week for 36 weeks	$18,662
Parking Services	Stepped up parking enforcement in neighborhoods	$10,130
Transit Service	Additional services to meet demand	$26,000
Neighborhood Wellness	One Code Enforcement Technician I (11/30/17-6/27/18)	$37,500
TOTAL (2017-18)		**$92,292**

Thank you for your attention to this important matter, and to ongoing collaborations between campus and city leadership that help ensure and maintain a high level of service for residents and community members on and off campus.

Sincerely,

Katie Lichtig
City Manager

Cc: Cynthia Vizcaino Villa, Vice President for Administration and Finance
Dr. Keith Humphrey, Vice President for Student Affairs
Jessica Darin, President's Office Chief of Staff
Mayor and City Council
Derek Johnson, Assistant City Manager
Michael Codron, Community Development Director
Deanna Cantrell, Police Chief
Garret Olson, Fire Chief
Daryl Grigsby, Public Works Director

heal slo
Healthy Communities
BRINGING PEOPLE TOGETHER FOR A HEALTHY FUTURE

COALITION PARTNERS:

Bike SLO County
Boys and Girls Club – South County
Cal Poly State University
- Center for Sustainability
- Food Science & Nutrition Department
- Kinesiology Department

CenCal Health
City of San Luis Obispo Parks and Recreation
Community Action Partnership of SLO
Community Foundation of SLO County
Dairy Council of California
Diringer & Associates
First 5 San Luis Obispo County
Food Bank Coalition of SLO County
French Hospital Medical Center
HomeShareSLO
Lucia Mar Unified School District
One Cool Earth
Rideshare – Safe Routes to School
San Luis Sports Therapy
SLO Council of Governments
SLO County Departments:
- Board of Supervisors
- Health Commission
- Planning and Building
- Public Health

SLO County Office of Education
UC Cooperative Extension
YMCA of SLO County

Letter L9

February 3, 2020

Jeffery Dumars, Associate Director of Environmental & Space Planning
Facilities Management and Development
1 Grand Avenue
San Luis Obispo CA 93407

RE: HCWG Comments Regarding the 2035 Master Plan DEIR

Dear Jeffrey Dumars,

The Healthy Communities Work Group is a collaboration between public health officials, local planning and transportation officials, community-based organizations, academia, and community members, working to improve health through community design. We have reviewed the Cal Poly Master Plan Draft EIR, and offer the following comments:

Traffic/circulation concerns
Incorporating health in transportation policy presents an opportunity to enhance public health by preventing chronic disease, reducing and preventing motor-vehicle-related injury and death, improving environmental health, and ensuring access for all people[1]. Given the critical relationship between transportation and health, the Healthy Communities Work Group recommends that circulation improvement measures are more specifically identified to promote active transportation and expand public transportation. L9-1

While our group understands the decision to restrict Freshman and Sophomore car permits, we fear that students will park their vehicles in surrounding neighborhoods. Instead, we recommend providing a distant lot for these students who need to use an automobile for occasional long-distance travel. L9-2

Additionally, the Healthy Communities Work Group would like to echo concerns of the County of San Luis Obispo Parks and Recreation Department regarding a lack of reference to County land use documents in the 2035 Master Plan. We recommend that section 3.13 is altered for greater alignment with County's General Plan and transportation policies, and that the Chorro Valley Trail is incorporated. This alignment will encourage mode shift and increase connectivity. L9-3

Placement of housing near existing sources of toxic air contaminants
The Healthy Communities Work Group notes the placement of new housing near existing sources of toxic air contaminants. We would like to echo concerns from the County of San Luis Obispo Air Control District regarding the fact that Cal Poly is currently undergoing a health risk assessment because the facility has exceeded the APCD's prioritization score threshold. L9-4

HEAL-SLO is a community coalition addressing complex and overlapping health challenges through integrated solutions. In carrying out that mission, a subcommittee called the Healthy Communities Work Group provides responses to Planning staff from a healthy community's perspective on proposed land development projects, ordinance and general plan amendments, and special projects.

heal slo
Healthy Communities
BRINGING PEOPLE TOGETHER FOR A HEALTHY FUTURE

COALITION PARTNERS:

Bike SLO County
Boys and Girls Club – South County
Cal Poly State University
- Center for Sustainability
- Food Science & Nutrition Department
- Kinesiology Department

CenCal Health
City of San Luis Obispo Parks and Recreation
Community Action Partnership of SLO
Community Foundation of SLO County
Dairy Council of California
Diringer & Associates
First 5 San Luis Obispo County
Food Bank Coalition of SLO County
French Hospital Medical Center
HomeShareSLO
Lucia Mar Unified School District
One Cool Earth
Rideshare – Safe Routes to School
San Luis Sports Therapy
SLO Council of Governments
SLO County Departments:
- Board of Supervisors
- Health Commission
- Planning and Building
- Public Health

SLO County Office of Education
UC Cooperative Extension
YMCA of SLO County

Thank you for the opportunity to provide comment,

Sincerely,
Chuck Stevenson

Chuck Stevenson, AICP
Chair, Healthy Communities Work Group

---

[1] CDC Transportation Recommendations

HEAL-SLO is a community coalition addressing complex and overlapping health challenges through integrated solutions. In carrying out that mission, a subcommittee called the Healthy Communities Work Group provides responses to Planning staff from a healthy community's perspective on proposed land development projects, ordinance and general plan amendments, and special projects.

Individuals

Jeffrey K. Dumars

Letter
I1

From: Eric Greening <dancingsilverowl@gmail.com>
Sent: Friday, December 20, 2019 8:56 AM
To: Environmental Planning
Subject: Eric Greening on Master Plan EIR, need for time extension on comment period!!

Hello!!

While the release of the Revised Draft Environmental Impact Report on the Cal Poly Plan has been long and eagerly awaited, the timing of that release at the beginning of the holiday break mandates a longer comment period than is currently being offered. The campus community won't reassemble until January 6th. At the barest minimum, counting the legally required 45 days from that date, to February 20th, is the very least that can be done to allow for the needed careful consideration of this huge document by the affected public. More adequate would be to mirror the 60 days that was ultimately allowed for comments on the original DEIR, again, counting from January 6th, resulting in a deadline of March 6th. Even more time than that would be welcome, of course. After all, it has taken nearly two full years for the comments the public made on the first iteration to be responded to in the document we now have before us. Two months is nothing compared to that, and the public needs it so that we can evaluate whether the many many shortcomings of the previous document have been remedied in the present one.

Comments on the substance of the RDEIR will be forthcoming at a later date, after I have had time to review it, but it seems extremely urgent to address the utterly inadequate timeline for public comment right up front so that it can be remedied as soon as possible, allowing those of us already aware of the release of the document a chance to enjoy a bit of holiday cheer without being unrelentingly nose to grindstone, and to give adequate time for those who BECOME aware after January 6th to address the critically important issues in the depth they deserve. An institution committed to learning by doing must be an example of prioritizing care and thoroughness over haste, and in that spirit I ask you to extend the comment period, and then to enjoy a peaceful holiday season!

I1-1

Happy holidays, Eric Greening

Letter
I2

Jeffrey K. Dumars

From: Ellen Sturtz <eosturtz@yahoo.com>
Sent: Friday, December 20, 2019 8:57 AM
To: Environmental Planning
Subject: Attention Jeffrey Dumars, Cal Poly Revised Draft EIR

Good day,

Due to the size of the project and the holiday season I am asking you extend the comment period for necessity until March 6, 2020, therefore beginning the clock at January 6th.

This will allow more time and not make it look like you were trying to game the system releasing this version so close to the holidays and campus break. I2-1

Thank you in advance for your consideration.

Ellen Sturtz

Sent from my iPhone

Jeffrey K. Dumars

Letter
I3

From: Matt Moelter
Sent: Thursday, December 19, 2019 5:32 PM
To: Environmental Planning
Subject: typo
Attachments: 2019-12-19_CP2035MP-DEIR-NOA_mjm.pdf

In the attached document there is a typo indicated. I3-1

Matt

Matthew Moelter
Professor
Department of Physics
California Polytechnic State University
San Luis Obispo, California 93407

Direct 805-756-2656
mmoelter@calpoly.edu

NOTICE OF AVAILABILITY AND PUBLIC COMMENT OPPORTUNITY FOR A DRAFT ENVIRONMENTAL IMPACT REPORT (DRAFT EIR)

Cal Poly 2035 Master Plan
State Clearinghouse No. 2016101003

Pursuant to the State of California Public Resources Code (PRC) 21091 (a) and the Guidelines for the Implementation of the California Environmental Quality Act (CEQA Guidelines), the California State University (CSU)/California State Polytechnic University, San Luis Obispo (Cal Poly) has released for public review a Draft EIR for the Cal Poly 2035 Master Plan.

Project Title: Cal Poly 2035 Master Plan

Draft EIR Review Period: December 19, 2019 to February 3, 2020

Project Location: Located in San Luis Obispo County, the Cal Poly campus abuts the City of San Luis Obispo to the south and west, and open space, ranchland, and public land, the majority of which is owned by Cal Poly, to the north and east. Cal Poly's landholdings occupy 10,128 acres in San Luis Obispo and Santa Cruz Counties, primarily consisting of rangeland, farmland, and natural habitats. The 2035 Master Plan Area, as evaluated in this EIR, consists of 1,339 acres (referred to herein as the "Master Plan Area" or "campus") and includes the 855-acre main campus, which is comprised of four subareas, including the Academic Code, East Camp[illegible]Vest Campus subareas. Located in San Luis Obispo County (County), the Cal Po[illegible]of San Luis Obispo (City) to the south and west, and open space, ranch land, a[illegible]th and east. I3-1 cont.

should be "Core"

Project Description: The proposed 2035 [illegible] needed academic facilities, additional on-campus housing, recreation and athl[illegible]upport facilities on the main campus that would accommodate increased student and university demands for facilities and services. The Master Plan update process began in 2014 and has included over 200 meetings that addressed academic program demand, physical and environmental constraints, and opportunities to support a future student enrollment of 25,000 headcount (22,500 FTES).

The proposed 2035 Master Plan is a long-range planning document that guides the development and use of campus lands to accommodate growth in student enrollment and in fulfillment of Cal Poly's academic mission. The university anticipates growth in the student body of approximately 200 new students per year on average, for an addition of approximately 3,188 by 2035. The 2035 Master Plan provides for the anticipated increase in demand for academic facilities, additional housing on campus, recreation and athletics facilities, and other support facilities and services on campus to accommodate the increase in enrollment at Cal Poly and university needs through 2035.

Development under the 2035 Master Plan would include approximately 7,200 new student beds; an additional 1.29 million gross square feet (gsf) of academic, administrative, and support space; 380 residential units intended primarily for faculty/staff with supporting uses (retail and recreational space); and a 200-unit university-based retirement community. In addition, 455,000 gsf of existing academic,

administrative, and support space would be replaced with new facilities. The 2035 Master Plan proposes circulation infrastructure improvements, to provide for the safe and efficient movement of pedestrians, bicycles, and vehicles around campus, while also encouraging a more complete shift to an active transportation approach. Further, utilities infrastructure improvements, such as new water, wastewater, and storm drainage infrastructure, are also proposed to accommodate growth under the 2035 Master Plan.

Document Availability: Copies of the Draft EIR are available during the 45-day public review period online at https://afd.calpoly.edu/facilities/planning-capital-projects/ceqa/master-plan/ and as hard copies at the following locations:

Public Libraries:

- San Luis Obispo: 995 Palm Street, San Luis Obispo, CA 93401
- Cal Poly: Robert E. Kennedy Library (Building 35 at Dexter Road and North Perimeter Road), San Luis Obispo, CA 93407

Public Review and Comment Period: A 45-day public review period for the Draft EIR begins on December 19, 2019 and ends on February 3, 2020 at 5:00 p.m. Please send your written comments, with appropriate contact information, to the following address:

Jeffrey Dumars
Associate Director of Environmental & Space Planning
Facilities Management and Development
Cal Poly
1 Grand Avenue, San Luis Obispo, CA 93407
environmentalplanning@calpoly.edu

I3-1 cont.

Anticipated Significant Environmental Effects: Implementation of the 2035 Master Plan could have significant environmental affects to the following resources topics as discussed in the Draft 2035 Master Plan EIR:

- Aesthetics – Impact 3.1-1: Result in a Substantial Adverse Effect on a Scenic Vista or Substantially Degrade the Existing Visual Character or Quality of Public Views of the Site and Its Surroundings and Impact 3.1-2: Damage Scenic Resources within a State Scenic Highway;

- Agriculture and Forestry Resources – Impact 3.2-1: Convert Agricultural Uses, Including Lands Designated as Important Farmland, to Nonagricultural Use;

- Air Quality – Impact 3.3-2: Cause Construction-Generated Criteria Air Pollutant or Precursor Emissions to Exceed APCD-Recommended Thresholds, Impact 3.3-3: Result in a Net Increase in Long-Term Operational Criteria Air Pollutant and Precursor Emissions That Exceed APCD-Recommended Thresholds, and Impact 3.3-6: Result in Other Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People;

- Archaeological, Historical, and Tribal Cultural Resources – Impact 3.4-1: Cause Substantial Adverse Change in the Significance of a Historical Resource; and

- Noise – Impact 3.10-1: Generate Substantial Temporary (Construction) Noise, and Impact 3.10-4: Generate Substantial Long-Term Increase in Stationary Noise.

Hazardous Materials/Waste On-Site: The State of California maintains the linked EnviroStor and Geotracker databases of known contamination sites pursuant to Government Code Section 65962.5. Based on the information gathered from these databases, no sites that are actively under evaluation, remediation, or verification monitoring are located within the Master Plan Area.

I3-1 cont.

Jeffrey K. Dumars

Letter
I1

From: David Aaron Schreiber
Sent: Friday, December 20, 2019 4:35 PM
To: Environmental Planning
Subject: Requesting Time Extension for comments to Environmental Impact Report

Hello Jeffrey Dumars and others,

My name is David Schreiber. I am a fourth-year aerospace student at Cal Poly. Over the years, I have been surprised by the lack of information sent to students about specific details regarding the 'Master Plan' President Armstrong has planned for the campus community. I actually only hear about any details from friends in SLO who have close ties to the process.

From what I understand, coming up there is a 45-day comment and review session after the release of the Environmental Impact Report where the campus community can review and send comments about the project. As a campus member who has not once heard of this report until today, I am appalled by the short timeline of this review session coinciding with the holidays! It's surprising and manipulative for an institution that promotes inclusivity and transparency to have such a short notice and time period and for there to be little to no information available to those who are most deeply affected: the students. I4-1

Given the situation, I am writing to ask if Cal Poly can extend the review process. By choosing a day that starts over the holidays, Cal Poly has inherently shortened the review session's legal minimum of 45-day time period for most if not all of the campus community. At the very least, the deadline for the review process should be mid-February if proper protocols were used.

I appreciate Cal Poly, the opportunities it provides, and the campus feeling of inclusivity, but moving forward I ask if you would please do your part in making information like this more readily available to students at Cal Poly. I am a proud student of Cal Poly, but some of the antics this administration has used to boost Cal Poly's public profile by moving forward with big projects while having little regard for its own student's opinions has made me feel, at times, very resentful of my own university.

I hope you have happy holidays.

Regards,

David Schreiber
President of Music Production Union
BS Aerospace Engineering Spring 2020

Jeffrey K. Dumars

Letter
I5

From: 4385956@gmail.com
Sent: Sunday, December 22, 2019 12:25 PM
To: Environmental Planning
Subject: Master Plan

Thank you for sending me the official notice of the updated master plan. By way of this email I am requesting that you extend the review period. This is a very large and comprehensive document that will have long term impacts on the residents of San Luis Obispo and needs to be carefully reviewed and commented upon. The fact that the document was released during the holidays and ends in early February limits the publics opportunities to review and comment. Please extend the review period. I5-1

Thank you,

David Blakely

Jeffrey K. Dumars

Letter
I6

From: 4385956@gmail.com
Sent: Sunday, December 22, 2019 12:29 PM
To: Environmental Planning
Subject: Master plan versions

Can you tell me if there is a document that compares the last Master Plan draft eir with the current draft eir. It would be nice to know what changes Cal Poly has made since its last attempt at an eir on the Master Plan. I6-1

Thanks,
David Blakely

Jeffrey K. Dumars

Letter
I7

From: Aaron Kirby <aaronkirby2000@gmail.com>
Sent: Sunday, December 22, 2019 2:16 PM
To: Environmental Planning
Subject: Comment Deadline on the Cal Poly Plan EIR

Dear Jeffrey Dumars,

I am writing you to urge you to extend the deadline for the comment period for the Cal Poly Plan (currently February 3rd 2020). This is not enough time for people to address such a huge issue, especially as students like myself are home for the holidays for much of the period. Please be respectful of our time. I7-1

Thank you,

Aaron

Jeffrey K. Dumars

Letter
I8

From: dominic chequer <dcchequer@gmail.com>
Sent: Friday, December 27, 2019 5:16 PM
To: Environmental Planning
Subject: Master Plan Timing

Follow Up Flag: Follow up
Flag Status: Flagged

Addressed to: Jeffrey Dumars,

Hello there,

I am a stakeholder in the outcome of the Master Plan as a San Luis Obispo resident and a Cal Poly alumnus.

The amount of time given for review and comment amongst the community is not sufficient, and to adequately address the *Revised Draft Environmental Impact Report* on the Cal Poly Master Plan we will need more time. The previous draft was also extended from 45 days to 60 days so I do not see why this would be a problem.

In addition, there is another problem with this release -- the timing of the release, right before the holiday period restricts the amount of time amongst community members, reducing that paltry 45 days to only 40.

This project is a critical as it defines Cal Poly's future growth & development agenda, thus, the shortness of the comment period alongside the timing of its release marginalizes many voices and opinions from the discourse.

I8-1

I hope you help us.

Best Regards,
Dominic Chequer

Jeffrey K. Dumars

Letter
I9

From: Dylan Stephens <dylandylanms@gmail.com>
Sent: Sunday, December 29, 2019 1:18 PM
To: Environmental Planning
Subject: Please extend the comment period

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Jeffery Kumars,

I am writing to ask you to please extend the comment period for the environmental impact report to 60 days. This will allow for the students of Cal Poly time enough to read the full report and make insightful comments. As president of the Zero Waste Club I will be bringing the report to our members attention and reading it together, collecting our thoughts. I9-1

Thank you for your time and consideration of my request.

Dylan Stephens
--
Dylan Stephens

he/his/him
(734) 660-7260
dylandylanms@gmail.com
dmstephe@calpoly.edu

Jeffrey K. Dumars

Letter
I10

From: Peter VanderBloomer <peter.vanderbloomer@gmail.com>
Sent: Sunday, January 5, 2020 11:16 AM
To: Environmental Planning
Subject: Extension on the Environmental Impact Report comment period

Jeffrey Dumars,

I would like to request a time extension on the comment period for the Revised Draft Environmental Impact Report on the Cal Poly Master Plan.

The comment period should not even begin until January 6th when Cal Poly students return to campus and stable internet access by which to examine the document.

I10-1

Thank you,
Peter VanderBloomer

Jeffrey K. Dumars

Letter I11

From: Eric Greening <dancingsilverowl@gmail.com>
Sent: Tuesday, January 7, 2020 7:13 AM
To: emailcouncil@slocity.org; Environmental Planning
Subject: MAJOR inconsistency between SLO City Water Resources Status Report and Cal Poly Master Plan RDEIR

Hello!

This letter is intended to be part of the record of comments on the Cal Poly Master Plan RDEIR (as a comment by Eric Greening), and ALSO to be in the record for the San Luis Obispo City Council meeting of January 14th, 2020, relative to the item in which the City's 2019 Water Resources Status Report is being received and taken into the record. The reason for this unconventional juxtaposition of recipients and purposes is the urgency of getting the City and Cal Poly on the SAME PAGE relative to the critical issue of water supply before a rushed culmination of the Master Plan's long CEQA process causes yet another Draft Environmental Impact Report to be unable to move forward to a Final.

Here is language from the Cal Poly Master Plan RDEIR: "Impact 3.14-1: Require or Result in the Relocation of Construction of New or Expanded Water Infrastructure"

"Implementation of the 2035 Master Plan would increase the volume of potable water conveyed through the existing City connections. Modeling indicates that there is adequate conveyance capacity to accommodate anticipated development associated with the 2035 Master Plan under average day demand, peak daily demand, and peak hourly demand. New campus development would require connections to water supply pipelines. Because the campus already contains substantial pipelines and water delivery infrastructure, construction of additional infrastructure to connect new academic buildings, student housing, and other development to the existing system is expected to be minor, consisting of relatively sort pipeline connections in the existing delivery pipeline. Thus, the impact would be LESS THAN SIGNIFICANT."

Now, a quote from the City's 2019 Water Resources Status Report: "At a March 2019 study session, City Council provided direction to staff related to short term water sales. A potential recipient of this program may be Cal Poly while the university secures a permanent water supply specifically related to housing production. Council supported broadening existing policy language for the City to supply non-potable water (raw water or recycled water) through a short-term agreement for agricultural purposes. Short-term agreements would be crafted to include provisions for service interruptions or reduction, due to operational issues or climatic events, low reservoir levels, increased water demand forecasting, or water quality deterioration. Meaning, during a water shortage emergency, City water deliveries would be prioritized above those included in a short-term sales agreement." I11-1

The RDEIR is premised on Cal Poly's City connection providing all the water needed for residential and academic use, with minor connections to individual buildings constituting the only "New or Expanded Water Infrastructure." The City's understanding is that for POTABLE use in new campus housing and other buildings, Cal Poly would be responsible for finding a PERMANENT source, which is NOT the City of SLO; the City will PERHAPS provide non-potable water on a temporary basis, and not reliably. I have been searching the RDEIR in vain for any indication of what this "permanent" source would be, or how it would be brought in without the need for "New or Expanded Water Infrastructure." I am aware that Cal Poly has been searching; late last year, an agenda item at the Morro Bay City Council discussed negotiations over the sale of some of Morro Bay's not-too-abundant water supply to Cal Poly, but no contract was signed; their Council simply directed that negotiations can continue. Morro Bay's public works people won't know if they have water to sell until they understand the operational constraints and opportunities involved with their yet-to-be-built new Wastewater Treatment Plant, for which ground has yet to be broken.

Clearly, given the incompatible parallel universes described in the City and Cal Poly documents, it is critical that the City and Cal Poly immediately do what they can to get on the same page. Until this happens, it is foolhardy for Cal Poly to plan on ending the comment period on the RDEIR on February 3rd, less than a month after the campus community has re-inhabited the campus, and with this vital issue unresolved. The City should request an extension of the comment period, and Cal Poly should honor it; if yet another recirculation is to be avoided, the comment period will need to be left open long enough for the City and Cal Poly to get on the same page relative to the make-it-or-break-it issue of water supply, to somehow make available to the public new supplemental information that embodies that common understanding and analyzes its impacts, extending an adequate comment period for the entire document that clearly INCLUDES that supplemental information and clarifies what obsolete information is being replaced, before the comment period on the entire RDEIR closes.

I11-1 cont.

I have not had time to go into depth with the entire RDEIR, so I can't yet indicate whether, in subject areas other than water supply, there are similarly serious inconsistencies that would prevent moving forward to a Final EIR, but to give the public adequate time to uncover these, it is absolutely essential that the comment period be extended well beyond February 3rd, and that the RDEIR be closely scrutinized by the City and all other interested parties so that anything else that needs similar action can be caught and acted on.

I11-2

Many thanks, Eric Greening

Jeffrey K. Dumars

Letter
I12

From: Christine Mulholland <cm1334@outlook.com>
Sent: Thursday, January 9, 2020 11:18 AM
To: Environmental Planning
Subject: CP Master Plan RDEIR

Dear Jeffrey Dumas,

I am very concerned with the lack of certainty about water in the revised draft. And I think it is very bad planning and disrespectful toward the community to have put the draft out for public review during the busy holiday season.

I serve on the County Water Resources Advisory Committee, and I agree with other members that this should be brought to our group for review. But the short public response timing will not allow that to happen. Certainty about water resources must be clear and evident before any commitment toward continued growth and development is green lighted. I12-1

With the rapidly changing climate we are facing, it is important to not rush toward more building, growth and development, all of which will create more releases of carbon dioxide. And water is also going to continue to be a more and more scarce resource, and this RDEIR does not give me any comfort level that it has been fully addressed. I12-2

Please step back and take the time to reevaluate the RDEIR and give the public more time to comment. Show me the water!

Thank you,

Christine Mulholland
San Luis Obispo
805-544-6618

Jeffrey K. Dumars

Letter
I13

From: Nickie Gurney <nickiegurney@gmail.com>
Sent: Friday, January 17, 2020 10:25 PM
To: Environmental Planning
Subject: ERDEIR EXTENSION REQUESTED

UNLESS the deadline on the Revised Draft Environmental Impact Report on the Cal Poly master Plan is extended, we now have a little more than two weeks to get our comments into the record.

This is a dense document and I and the larger student body require more time for validating feasibility.

I am requesting that an extension for the comment period be made that extends the period by no less than one (1) month.

I13-1

Concerned citizen of SLO county for my entire life thus far,
--
Sent from Gmail Mobile

Jeffrey K. Dumars

Letter
I14

From: Katie Rose
Sent: Tuesday, January 21, 2020 11:27 AM
To: Environmental Planning
Subject: Environmental Impact Report: Cal Poly Master Plan

Dear Jeffrey Dumars,

I am writing to request for an extended deadline on the public comments with the newly released Master Plan. I am aware of the discrepancies within the report that I believe need time to be further evaluated and discussed. I am speaking on the behalf of many concerned students who were not previously aware of this plan. I14-1

Thank you for your consideration,

Katie Rose

Jeffrey K. Dumars

Letter
I15

From: Georgia Crowley <georgia.crowley14@gmail.com>
Sent: Wednesday, January 22, 2020 11:48 AM
To: Environmental Planning
Subject: EIR for Cal Poly expansion

Hello,

My name is Georgia Crowley, and I am a fourth year Graphic Communication student at Cal Poly. I am very upset with the way that the expansion plan has been going about basically hidden from the ears and eyes of the students. We get emails everyday about all sorts of things, but never once have i received an informative email telling me that the public comment period is currently open for the environmental impact report that was released, conveniently, right before break.....

Why are we students not being informed that the clock is ticking and the window is closing for us to give input on a massive proposal that has many holes when it comes to sustainability?
I demand that the clock restarts once we students are given the proper information that leads us to the resources to make informed comments and suggestions on a massive project that will affect all of us.

I15-1

Winter break would have been a great time for students to actually have the time to read 1000 pages of an environmental impact report....

Best,
Georgia

Jeffrey K. Dumars

Letter
I16

From: Nakia Kaminski <nkaminski124@gmail.com>
Sent: Saturday, January 25, 2020 2:11 PM
To: Environmental Planning
Subject: CP Master Plan

Hello,

On behalf of my fellow students I am writing to request a restart on the commenting period for the Master Plan and it's environmental impact report. Many people haven't been made aware of what the EIR entails and this is not right. Please also properly advertise that this report is ready to review.

Due to the cultural, historical, and environmental value of the land, we need more time to review and comment. The Cal Poly community must be made aware of the report in order to have fair participation in this plan.

I16-1

Thank you,
Nakia

Jeffrey K. Dumars

Letter
I17

From: Allie Ahern
Sent: Saturday, January 25, 2020 6:03 PM
To: Environmental Planning
Subject: Public Comments: 2035 Master Plan EIR

Dear Jefferey Dumars,

My name is Allie Ahern, and I am Secretary of the Zero Waste Club at Cal Poly. Recently we had a local advocate come talk to us about the EIR of the Master Plan and how the comment period was started while students were away at break. I implore you to extend the comment period to allow me and other students to have sufficient time to review the EIR and develop critical comments. I17-1

Please consider extending the comment period.

Thank you.

Best,

Allie Ahern

DAVID BLAKELY
861 SKYLINE DRIVE
SAN LUIS OBISPO, CA 93405

Letter
I18

January 20, 2020

Jeffrey Dumars
Associate Director of Environmental & Space Planning
Facilities Management and Development
Cal Poly
1 Grand Avenue, San Luis Obispo, CA 93407
environmentalplanning@calpoly.edu

Dear Mr. Dumars,

Please enter the following comments and attachments into the record for the Draft Environmental Impact Report for the 2035 Master Plan dated December 2019.

By way of these comments I would also request I be notified of any other public parts of this process.

I18-1

I would also like to include as attachments for the record

My comments for the originally released Draft EIR for the Cal Poly Master Plan 2035 released in 2017 Comments presented by the City of San Luis Obispo for the originally released Draft EIR for the Cal Poly Master Plan 2013 released in 2017

At the onset I would like to express the unnecessary complication the University has allowed in moving this process forward. The November 17, 2017 Master Plan had gone through a well published and public process with adequate time to review and comment on the 2017 Draft EIR and plan. The University decided to develop a new Master Plan with very little to no public input and then on to a Draft EIR review process that started less than a week before the winter holiday season, culminating 46 days later on February 3, 2020.

It is very disappointing that a plan that will be instituted to guide Cal Poly until 2035 is rushed to completion with little to no public input in the creation and review of the plan and with just 46 days to review the Draft EIR. Yes, the Master Plan 2035 process has been lengthy, but the final work product has been secretly put together and hurriedly reviewed.

I18-2

I have contacted several individuals listed as participants in the process of developing the Master Plan and none of them indicated that they were ever consulted in the development of the revised Master Plan.

The new Master Plan 2035 was released to the public along with the Draft EIR in December of 2019. There was much review and public participation of the Master Plan released in November 2017 but the plan before us now is very different than the November 2017 plan and was created in a relative vacuum of public participation.

The current Cal Poly Campus Master Plan is dated June 2019. I had requested to be noticed upon its release and there was no notification. I only found out that the Master Plan had been revised and a new Draft EIR released in December of 2019.

A couple of examples of major modifications to the December 2017 plan and the December 2019 plan are

- Residential Student and Faculty Housing changed to a 200-unit University Based Retirement Community on Cal Poly property located west of Highway 101 and abutting the residents of the City of San Luis Obispo
- A major modification to the plans for water and sewer services provided to the new project

I18-3

The preliminary environmental review of the proposed University Based Retirement Community (UBRC) is woefully inadequate. There is no discussion of the need for such a facility and there is little to no discussion of the long term impacts it will have on the neighborhoods adjacent to it.

Avoidance is an appropriate mitigation and is underutilized in the development of the current version of the Master Plan 2035.

I18-4

Generally, the Draft Environmental Impact Report – Master Plan 2035 does not do a good job of providing the Board of Trustees with adequate information to make an informed decision on the Master Plan because the Draft Environmental Impact Report – Master Plan 2035 does not offer site specific analysis of several important issues which are proposed in the Master Plan 2035. There are significant deficiencies in this document which must be addressed prior to the Final Environmental Impact Report – Master Plan which can be certified by the Board of Trustees in anticipation of their final decision on the Master Plan itself.

I18-5

Good planning would dictate a significant initial study to understand and avoid significant impacts. Environmental impacts would help guide the Master Plan. Instead, the Master Plan appears to force itself onto the landscape with little to no understanding of the environmental impacts which should drive the plan. Since significant input from other agencies and organizations has yet to be received, the Master Plan is problematic. For example, if there was input from Cal Trans in regard to access to parcels N4 and N5 (parcels where the UBRC is to be located), then impacts could be better understood and drive the planning process of the Master Plan. If Cal Fish and Game was consulted early in the process, then the degradation of important biological resources could be avoided in the planning process.

In a review of the appendixes to the Draft Environmental Impact Report – Master Plan 2035 the evidence for many of the recommendations just was not there.

I18-6

The city of San Luis Obispo and Cal Trans are responsible agencies. They must also adopt their own findings regarding the impacts and determine if those impacts will be mitigated. Their responses to the plan should be part of the record.

The DEIR must include correspondence and evaluations from Cal Trans and the City of San Luis Obispo in regard to the proposed development on Parcels N4 and N5 where the UBRC is located. Without their input the Board of Trustees cannot make an appropriate determination on the mitigations these organizations may request. The requested mitigations may require the Master Plan to change which would precipitate a recirculation of the DEIR, needlessly delaying this process.

The Draft Environmental Impact Report – Master Plan 2035 violates CEQA by improperly piecemealing the evaluation of all the proposed projects.

In many cases it appears that the Draft Environmental Impact Report – Master Plan 2035 uses the guiding principles of the Master Plan as justification and mitigation for the many impacts this plan will create. Those guiding principles are wonderful for guiding the creation of the plan but do not do anything to provide mitigations for some very serious impacts which will be created by the implementation of the Master Plan.

I18-7

It is incorrect to use the Master Plan Objectives as justification and mitigation for the impacts this project will create. I18-7 cont.

Regarding the parcel used for the UBRC, the traffic analysis is woefully inadequate. Intersection 43 for this project is not even analyzed. Cal Fire currently has a proposal in the early stages of planning, and their plan shows a large easement for traffic that dead ends at the edge of parcel N4. If it is contemplated that this access be used by Cal Poly to access the UBRC, then the impacts associated with this must be investigated as early in this process as possible. The Draft Environmental Impact Report – Master Plan 2035 has no discussion of this access road and what impacts it may have on circulation in this area regarding the future planned development of the UBRC.

Throughout the support documentation on the traffic for the Master Plan, the traffic counts and analysis for intersection 43 says, "Does not exist in this scenario". This is a major flaw as it is proposed to add significant growth to parcel N4, yet the traffic projected for the development on this site "does not exist". There must be a full investigation of the vehicle trips from the development of N4 and appropriate mitigations must be offered. If it is found that the traffic from the development of N4 is significant and unmitigable, then the Board of Trustees will need to know this to determine the appropriateness of developing this parcel. I18-8

There is no substantial evidence in the record that fully discusses the environmental impacts of the proposed Cal Fire development on parcel N4. Some site-specific issues are identified but not fully analyzed and no appropriate mitigations are proposed for the significant impacts to traffic, drainage, view shed and endangered plants and animals.

The Draft Environmental Impact Report – Master Plan 2035 has failed to adequately address the impacts of grading and drainage and runoff for any development of the parcel used for the UBRC. And since Cal Fire is also proposing some development on their parcel the cumulative impacts must also be discussed and mitigated. Storm water runoff from a developed parcel used for the UBRC must be investigated to ensure the safety of citizens downstream.

If development moves forward on the UBRC site there will be significant grading required as the parcel is not flat and contains a seasonal vernal pool. There is no evidence in the record that discusses the full impacts of the grading on this parcel and without that information the Draft Environmental Impact Report – Master Plan 2035 is inadequate. There is no evidence in the record which indicates the quantity of earth to be moved and to what extent retaining walls will be needed to balance out this site. It should be noted that the Cal Fire project is proposing a large retaining wall at the rear of their development. I18-9

It is important to note that there is a major drainage to the south of this parcel and problems to downstream residents may be significant. But without any thorough investigation of flows and volumes from any development on site of the UBRC, no consideration of mitigations can be done. It cannot even be decided if this parcel should be developed or not. Issues surrounding the development of this site may be so great that this parcel should remain in its current agricultural use.

The parcel used by the UBRC is incorrectly identified as fallow. It is not. The Cal Poly sheep class use this parcel often. At many times of the year this parcel is used for grazing sheep. This is not noted in the Draft Environmental Impact Report – Master Plan 2035.

There are major discrepancies between the most recently released Master Plan and the Draft EIR done on it. Many of these inconsistences come about because of confusion between the current Master Plan and the one publicly reviewed and dated 2017. I18-10

Water Supply

To understand the present plan, I have considered the previous plan from 2001. In reference to the *Cal Poly Master Plan & Environmental Impact Report,* which was adopted and certified by the California State University Board of Trustees March 21, 2001: on pages 227, 321 and in table E-5, the *2001 Master Plan* states, "Because future water demand will begin to tax the University's supply of Whale Rock water, the following programs should be instituted:

- Water Conservation Program
- Drought contingency plan. As part of implementation of the Master Plan, the University will draft a drought contingency plan to address potential water shortages associated with extended drought conditions.
- Additional Water Supply. The University should investigate the availability of additional water supplies over the next twenty-year horizon."

I18-11

1. Can you tell me where I can find a copy of the "drought contingency plan" mentioned in the 2001 Master Plan?
2. Can you tell me what progress the University has made in investigating "the availability of additional water supplies over the next twenty-year horizon?"
3. Since these were approved and finalized mitigations for the previous Master Plan, they should be considered in the proposed Master Plan as mitigations for the deficient water supply anticipated in the new Master Plan.

Page 2-12 of the June 2019 Master Plan does not even list the University Based Retirement Community (UBRC) as a Land Use Option. The current EIR reviews a UBRC but the Master Plan still describes a Residential Neighborhoods and the property is listed as RN in Figure F2-9 and F2-10 of the December 2019 version of the Master Plan. This discrepancy requires an explanation.

Page 1-1 The DEIR states

> *The Trustees require every CSU campus to have a Master Plan depicting existing and anticipated facilities "necessary to accommodate a specified enrollment at an estimated planning horizon, in accordance with approved educational policies and objectives" (CSU 2012a). Master Plans are based on annual full-time-equivalent-student (FTES) college year enrollment targets prepared by each campus in consultation with the CSU Chancellor's Office (CSU 2012b). The 2035 Master Plan is a long-range planning document that guides the development and use of campus lands to accommodate growth in student enrollment and in fulfillment of Cal Poly's academic mission. As a long-term guide for development of the campus, the 2035 Master Plan is intended to address future enrollment capacity rather than specific enrollment fluctuations on a year-to-year basis.*

I18-12

If this is the purpose of the Master Plan and the driving principals for its creation, then there is no nexus between the creation of a University Based Retirement Community (UBRC) and this objective.

This section continues

> *To that end, the 2035 Master Plan identifies new/improved academic facilities, additional housing, recreation and athletics facilities, and other support facilities and services on campus that are necessary to accommodate the projected increase in enrollment at Cal Poly and academic needs through 2035. This would include approximately 7,200 new student beds; an additional 1.29 million gross square feet (gsf) of new academic, administrative, and support space; 380 residential units intended primarily for faculty/staff with supporting uses (retail and recreational space); and a 200-unit University-Based Retirement Community. In addition, 455,000 gsf of existing academic, administrative, and support space*

would be replaced with new facilities, for a total of 1.75 million gsf of new or replaced academic, administrative, and support space.

The creation of the UBRC does nothing to further the objective of the plan which is "to accommodate the projected increase in enrollment at Cal Poly…."

I18-12 cont.

Page 2-1 The DEIR states

The current Master Plan update process began in 2014 and is the result of more than 200 meetings with stakeholders, including faculty, staff, the City of San Luis Obispo, and local communities, that addressed academic programming needs, physical and environmental constraints and opportunities to support a gradual increase in future student enrollment to 25,000 headcount (22,500 FTES) by the year 2035

This section is very misleading. While it is true that many meetings were held on the initially released draft plan there was little to no public outreach and participation in the plan that is now being reviewed and evaluated. Significant changes have been integrated into the new plan in secrecy.

I18-13

Can you please tell me when and where there were meetings and public outreach on the newly revised Master Plan?

Page 2-27 The DEIR states

Also, within the West Campus, a Cal Poly–based retirement community would be located on the University-owned property west of SR 1 and east of the Ferrini Heights neighborhood. The southern portion of this property supports a California Department of Forestry and Fire Protection (CAL FIRE) facility that would remain in place under the Master Plan. CAL FIRE leases the land from the University. The facility is scheduled to be upgraded by the California Department of General Services in the next several years. The proposed CAL FIRE project is not a Cal Poly project and is not part of the 2035 Master Plan. The remainder of this property would bremain (SIC) as open space.

The proposed Cal Fire project is on leased Cal Poly land and the proposed Cal Fire project has proposed a large access to the property proposed for the UBRC. If the Cal Fire project is including this access to the RN property, then it should be considered as part of this DEIR and any impacts a potential development on this RN labeled property on the Cal Fire project must be analyzed.

I18-14

Page 2-28 Figure 2-11 On this map the area for the proposed UBRC is still identified as a New Residential Neighborhood Area and not as the New UBRC.

I18-15

On page 2-32 is the first place and time that the UBRC is described to the public. Until this time and during the entire review process the UBRC was not proposed. Where is the explanation of need or demonstration of community or Trustee support for such a development?

This proposal is considered to be a near term project and the environmental review is horribly lacking. There must be at least a cursory investigation into the impacts on the following items

- Wetlands – there is currently a wetland that exist in the south west portion of this site. This wetland is also an important meeting place for many animal species looking for water.
- Impacts on downstream flooding issues. With the development of a project the size of this proposed UBRC there will be significant impacts to downstream communities and homes.
- Traffic impacts. There is no discussion of the traffic requirements for such a project. How will traffic flow into and out of the proposed project.
- Impacts to the view shed of residents in the Foothill and Ferrini Heights neighborhoods.

I18-16

- Noise impacts
- Light impacts.

I18-16 cont.

Where is the needs analysis and Master Plan need for such a proposal?
Why is this information not provided for the Trustees to make an informed decision on the appropriateness of developing a UBRC on the land west of Highway 1?

The University-Based Retirement Community is described as

> *University-Based Retirement Community The Master Plan includes a University-Based Retirement Community of approximately 200 units. The development would consist of senior living units (approximately 120 independent living units, 50 assisted living units, and 30 memory care units). Using standard density numbers for independent living units of 1.2 persons per unit and one person per unit for assisted living and memory care units, the community would have a population of approximately 225 residents and approximately 60 employees. The development would provide priority occupancy to retired Cal Poly faculty, staff, and alumni. If faculty, staff, and alumni demand is low, remaining units would be made available to the broader retirement community among the general public. Associated amenities may include restaurants, health centers, entertainment centers, theaters, craft studios, community gardens, and libraries. The details of design and operation of this development (e.g., access, site alteration, architectural style) have not yet been determined.*
>
> *This project would be located west of SR 1 on an approximately 25-acre parcel owned by Cal Poly. The University Based Retirement Community project would be located on approximately 12-acres of this site, and is proposed to have a development density of 16 units per acre, or approximately 200 units. This site is designated as "Residential Neighborhood" in the 2035 Master Plan and "Residential Community" in the 2001 Master Plan. The remaining portion of the larger 25-acre property is leased to CAL FIRE for a fire response facility and will remain in that use. The northern half of the site and a north-south-trending linear portion of the site adjacent to SR 1 are designated as "Open Space."*

I18-17

Page 2-36 Section 2.6.6 Circulation Infrastructure Improvements
There is no discussion of the improvements and possible mitigations for the UBRC located west of Highway 1.

I18-18

Page 2-40 Wastewater
The environmental review of the WRF is woefully inadequate. Once again, the University is incorrectly putting off a thorough analysis to a later time. More study must be done to understand potential impacts of the WRF which might drive a decision on its location. Odor is a major consideration for the downwind community. There is no discussion of this issue nor an understanding of the potential impact. Another issue is disposal of the sludge. The Master Plan states

> *The WRF would produce sludge that would either be transferred to a local facility/landfill or reused (e.g., in land application). Refer to Section 2.6.10, below, for further information regarding the WRF.*

The potentially significant impacts of transporting this sludge and the potential of applying heavy metals from the sludge on ag land must be investigated at this point in the environmental review process.

I18-19

Page 3.1-9 Figure 3.1-2
This Map demonstrates the lack of investigation into the significant public views affected by the Master Plan. There must be some viewshed analysis of the potential impacts to view sheds from Highway 1 and from residential areas in the City of San Luis Obispo from the proposed development of the UBRC. The closest site used is some distance away at Highland Drive and Highway 1. There must be more rigor and investigation along with mitigations for visual impacts from the UBRC. It is important to identify these impacts at this point in the process as they can be used to drive the final decisions on the suitability of locating a project.

I18-20

Page 3.1-17 This section discusses the Guiding Principles of the planning effort for the Master Plan. Unfortunately, these principals do not drive the choices made in the plan. For example:

> *GP 05 Cal Poly's scenic setting – a campus surrounded by open spaces – should be preserved; its open lands and the surrounding natural environment are highly valued and should be considered in campus planning efforts.*

I18-21

The development of the UBRC is not consistent with this principal as it is development on land that is currently open space

> *GP 07 Land uses should be suitable to their locations considering the environmental features of the proposed sites.*

A major flaw in this planning effort is that time and time again the authors of this plan chose to indicate that more detailed investigation into impact associated with development and implementation of this plan should be postponed to a later date and time. CEQA requires this investigation takes place as early in the process as possible. The impacts associated with parts of this plan need to be investigated and should be used to drive decisions about implementation of the plan. If impacts are identified the plan simply indicates that they are Significant and cannot be mitigated. Avoidance is not considered as a mitigation and must be contemplated.

I18-22

> *GP 09 The siting and design of campus buildings and other features should reflect and enhance visual and physical connections to the surrounding natural environment and outdoor spaces on-campus, and should maintain, enhance or create aesthetically pleasing views and vistas.*

The proposed UBRC will have significant impacts on the viewshed of neighboring residents and this impact has not be investigated and mitigated. The implementation of this goal is totally ignored when considering impacts along the Highway 1 corridor.

I18-23

> *GP 16 Cal Poly should consider potential impacts – including but not limited to traffic, parking, noise and glare – on surrounding areas, especially nearby single-family residential neighborhoods, in its land use planning, building and site design, and operations.*

These impacts are casually mentioned but no rigorous evaluation or mitigations are presented. The impacts are articulated but the plan seems to think the mitigation is to simply say the impact is significant and cannot be mitigated. This is not the way the process should work. Impacts should drive decisions.

I18-24

GP 18 Cal Poly should maintain open communication with neighbors, stakeholders, and local public agencies, respecting the community context and potential impacts of campus development.
There has been no communication on the most recent version of the Master Plan. None of the property owners adjacent to the proposed UBRC have been notified that this type of a project is to be built just over their property lines. Many of these residents paid a premium for their houses because of the views their properties offered. Now Cal Poly is proposing to eliminate those views and degrade the value of their property without proper notification or solicitation of input.

I18-25

Page 3.1-18 The DEIR states

> *New construction and expansion within the Academic Core and North Campus subareas would be largely consistent with existing uses and would not be located in areas of high viewer sensitivity. As required by 2035 Master Plan Policies GP09 and S05, project design would preserve or enhance the existing visual character and quality of the site. The siting, scaling, and design of new development would help to maintain or preserve the existing visual quality and character. However, proposed new, permanent structures in the West Campus, specifically the Farm Shop and the University-Based Retirement Community, and in the East Campus, specifically the residential neighborhood proposed for the northeast corner of Slack Street and Grand Avenue, would be located in areas of high viewer sensitivity and could be incompatible with the existing visual character and quality of the sites. Project*

I18-26

development in the West Campus would potentially result in adverse effects to scenic vistas, including views of the Morros, and development of the Slack and Grand project in the East Campus could result in substantial degradation of existing visual character. Therefore, this impact would be ***significant.***

Without knowing what is actually proposed for the UBRC it is difficult to determine the significance of the visual impacts of this proposal. There is some discussion of the impacts from Highway 1 but no discussion or study of the impacts to the viewshed of residents of the City of San Luis Obispo adjacent to the site.

Page 3.1-24 The DEIR states

However, any construction on the proposed University-Based Retirement Community site, west of SR 1, would reduce views of the Morros from SR 1. Relocation of the University-Based Retirement Community would not be feasible because there is no other campus site large enough to accommodate the proposed housing while maintaining close proximity to important community services that are vital to serve the retirement community residents. Other potential residential sites would be intended to serve students and faculty/staff where proximity to the Academic Core subarea and other campus features is of paramount importance. In general, all lands east of SR 1 are reserved for academic and support functions. The Retirement Community would blend with the nearby neighborhood, would have access to the local community, and would be distinct from the undergraduate student housing in the North and East Campus subareas. Elimination of the University-Based Retirement Community would conflict with recommendations and campus policies to provide retirement housing and housing for faculty and alumni.

I18-26 cont.

The DEIR earlier in this section explains the CEQA guidelines which provide the legal requirement to consider another alternative. Even though the DEIR indicates that there is no way to avoid these significant impacts there is nothing in the record that indicates that there is no other location within the Cal Poly lands that can accommodate the UBRC

Significance after Mitigation In accordance with Section 15370 of the State CEQA Guidelines, mitigation includes avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements. In the context of the aesthetic impacts of the Farm Shop and the University-Based Retirement Community developments in the West Campus subarea, and of the Slack and Grand project in the East Campus subarea, mitigation could include reducing the height and scale of development or relocating the development to other less visually sensitive areas. Smaller scale development coupled with landscape screening, as described above in Mitigation Measure 3.1-1, could reduce the aesthetic impact of these developments.

The UBRC is identified to have multiple significant impacts that are not mitigatable. This finding is flawed because

1. There is insufficient investigation into the scope of the impacts and little to no real mitigation for them
2. Avoidance of the impacts is not given enough attention.

The goal should be to mitigate impacts or to avoid the impacts not to just linguistically push the problems under the carpet by stating the impacts are significant and unmitigable.

There must be a visual impact analysis of the UBRC from the neighborhoods surrounding the proposed project.

Page 3.4-9 Section 3.4

The following statement is factually incorrect and is indicative of the shallow investigation into the historical and cultural landscape of the project area. Mission San Luis Obispo is the 5th mission established in Alta California. I18-27

> *In 1772, Fray Junípero Serra founded Mission San Luis Obispo de Tolosa, the third Franciscan mission in Alta California,*

Pages starting with 3.4-1 Section 3.4 Archaeological, Historical and Tribal Cultural Resources.

The DEIR list multiple rules and regulations that would protect the historical significance of the Master Plan yet tells the entire history of the University on two pages- 3.4-9 and 3.4-10. This does little to address the base line data to make informed decisions about historical impacts to the site and more importantly implementation and compliance to the multiple rules and regulation cited earlier in this section.

A more thorough and complete history of the campus including legislative decisions, persons of historical interest and patterns of campus development both structural and cultural must be explored in a thorough history of the campus. This information would then better inform the decisions that are to be made in regard to level of significance and impacts on the history of the campus. The history of the campus must be completer and more rigorous. Without this body of knowledge, it is impossible to understand the impacts the master plan will have on the history of the entire planning area.

The DEIR identifies several requirements but does nothing to investigate them or to use them to better understand the historical impacts of the Master Plan. Simply mentioning Federal, State and Local rules provides no information to make informed decisions on the Master Plan. These different levels of government inform us of things that can become part of this investigation, but the authors of the DEIR do not investigate them to see which might apply to the Master Plan. Responding to the directions of these agencies should be part of the list of mitigations for this project.

The DEIR seems to focus its historical review on individual buildings and sites on the campus. This must happen but the history of the campus is more than that. To assess mitigations and impacts a more complete picture of the history must be provided. The history of the campus is more than its oldest buildings. I18-28

The historically significance of the campus is more than its buildings. A more complete history or Cultural Impact Report must be presented to focus on the impacts of the proposed project on the cultural landscape and historical integrity of the entire campus, not just a few of its older buildings.

A more complete history of the entire campus will better describe the historical landscape of the campus which will identify significant features and character-defining elements and assesses the potential effects of the proposed development of the significant qualities of the historical landscape. It will provide a detailed historical context within which these evaluations are made and offers recommendation to mitigate potentially significant impacts.

There was a cursory record search for the Archeological portion of the DEIR but there is no evidence of a record search to identify important and significant historical factors. This research would not be to just identify individual sites but to understand them within the holistic setting of the entire campus. A through historical survey of the entire campus should be carried out.

A plan should be developed to preserve all documentation and other cultural artifacts important to the history of the existing campus before the large-scale growth and development envisioned in the Master Plan is started.

There must be a documentation of all historical records and diaries that describe the historical context of the campus. If important sites are identified they must be protected and preserved for posterity. It is the historical and cultural research that will identify such sites for protection.

There are human activities that have shaped the campus from Native Americans, to Mission priest to railroad development and ranching families. An understanding of this past would be a valuable tool in moving forward with the Master Plan.

Natural features have had a major impact on the history of the campus. They must be considered in understanding the historical context of the site.

There has been major culturally important historical tradition that have influence past development of the campus and should influence future development. Those historical traditions must be understood and should be a factor in implementation of the master plan.

There is no evidence in the record that indicates any of this work has been done and it is not included in the DEIR of this project.

I18-28 cont.

The preferred mitigation measure is avoidance of the impacts described above. If avoidance cannot be achieved, other forms of mitigation, such as graphic documentation (photographs, drawings, etc.) and archaeological data recovery, will lessen the impacts but will not mitigate the loss of integrity to a less than significant level.

Under CEQA, an impact on a historical resource is considered significant if the impact lessens the integrity of the qualities of the property that qualify it for the California Register. If the proposed project may cause damage to a significant historical resource, the project may have a significant effect on the environment. Section 15064.5 of the CEQA Guidelines pertains to the determination of the significance of impacts to archaeological and historic resources. Direct impacts may occur by: (1) Physically damaging, destroying, or altering all or part of the resource; (2) Altering characteristics of the surrounding environment that contribute to the resource's significance; (3) Neglecting the resource to the extent that it deteriorates or is destroyed. Indirect impacts primarily result from the effects of project-induced population growth. Such growth can result in increased construction as well as increased recreational activities that can disturb or destroy cultural resources; or (4) The incidental discovery of cultural resources without proper notification.

I18-29

Indirect impacts result primarily from the effects of project-induced population growth. Such growth can result in increased construction as well as increased recreational activities that can disturb or destroy cultural resources.

CEQA provides guidelines for mitigating impacts to historical or archaeological resources in Section 15126.4. Preservation in place is the preferred manner of mitigating impacts (14 CCR 15126.4(b)(3)). Preservation in place may be accomplished by planning construction to avoid the resource, incorporating sites within parks or open space, covering sites with chemically stable and culturally sterile fill, or deeding the site into a permanent conservation easement. For buildings and structures, maintenance, repair, restoration, preservation, conservation, or reconstruction consistent with the Secretary of Interior's Standards and Guidelines for the Treatment of Historic Properties is considered mitigation of impacts to a less than significant level (14 CCR 15126.4(b)(1)). Documentation of an historical resource, however, will not mitigate the effects of demolition to a less than significant level (14 CCR 15126.4(b)(2)). When data recovery excavation of an archaeological site is the only feasible mitigation, a detailed data recovery plan must be prepared and adopted prior to any excavation.

Cal Poly should pursue nomination to the national Register of Historic Places. Those important historical properties should comply with the Secretary of Interior's Standards and Guidelines for the Treatment of Historic properties.

Page 3.4-14 and 3.4-15 Mitigation Measure 3.4-1 This mitigation is indicative of many mitigations of the DEIR. It wants to piecemeal the impacts of the Master Plan. Mitigations for impacts to the Cultural and Historical importance of the campus are more than just protecting certain buildings. While this is important it missed the importance of understanding the historical and cultural context of the entire campus and how the new proposals might impact that. Piecemealing is not permitted under CEQA and should not be used when looking at the cultural and historical impacts of the Master Plan.

Mitigation measure 3.4-1 is flawed in that the work of identifying historically significant building should be done at this point in the process. If it is determined that it is important to protect and preserve that historical structure the Trustees can use that knowledge to drive their decisions on development.

Without doing that work upfront the DEIR is piecemealing the project and not providing appropriate mitigations such as avoidance in the planning process. There is little justification for a significant and unavoidable conclusion for historical impacts other than a desire to move the plan forward no matter what impact might be discovered.

I18-29 cont.

Page3.4-17 Shows a map of areas of Cultural Sensitivity. The entire parcel where senior housing is proposed is not identified. There is no explanation of why it is not considered.

I18-30

Page 3.5-15 the DEIR states

> *The site of the proposed University-Based Retirement Community in the West Campus subarea (west of SR 1) includes a small drainage that flows through the southwestern corner of the campus. The seasonal drainage collects runoff from the area and the Ferrini Heights neighborhood located to the west and conveys collected flow in a southerly direction off-site toward Old Garden Creek, a tributary to Stenner Creek. The drainage is ephemeral and supports non-native annual grassland and freshwater marsh vegetation. Due to the presence of an OHWM, bed and bank features, and the connectivity with Old Garden Creek, the drainage is likely waters of the United States and waters of the state.*

This is another example of how the DEIR identifies an area and the impacts it might encounter as a result of the plan but does not completely investigate the impacts and provide appropriate mitigations. This creek provides a significant wildlife meeting place. The potential impact from the UBRC on that important location must be investigated further. A more thorough study is warranted to ensure proper mitigation of potential impacts and that study needs to happen at this point in the process.

The creek also flows into the city of San Luis Obispo. The impact of development of the UBRC on the runoff to that creek must be understood and mitigated at this point in the environmental review process because understanding that impact should influence the location of that facility on this site. There should be no contribution to flooding in the city from this development and there is no information in the record that indicates flooding will not happen. Where is the study that will demonstrate that there will be no contribution to flooding from development of the UBRC?

I18-31

Page 3.9-7 Figure 3.9-1 This map does not identify or show the unnamed tributary (creek) leading from the site of the UBRC into the City of San Luis Obispo.

I18-32

Page 3.9-9 Flood conditions. There must be a study and understanding of potential flooding from the unnamed creek located south of the proposed UBRC. The map shown on page 3.9-10 in figure 3.9-2 shows a 100-year

I18-33

flood zone south and down gradient of the proposed UBRC. This impact is not investigated in the DEIR and therefore is not understood. This impact must be investigated as this information can help the decision makers understand the down gradient impacts of the UBRC and then use that information to decide if the proposed location is best for that scale of development. I18-33 cont.

Page 3.10-15 Figure 3.10-2 The Noise monitoring locations chosen do not address the significance of noise impact of neighboring residents to the potential development of the UBRC. The RN site located west of Highway 1 should be a noise monitoring site. Without this information the DEIR is incomplete in understand the noise impacts of the UBRC on the existing neighborhoods. I18-34

There is no information concerning noise impacts from the UBRC.

Section 3.13
Transportation Page 3.13-1 As with most of the Master Plan and the DEIR the focus is on the main campus. There is no discussion of the environmental impacts on transportation created by the UBRC. This is a major oversight of the DEIR. There should be a discussion of the traffic impacts associated with the UBRC. Some issue to be understood I18-35

1. How will traffic access the site? What are the impacts from this and how will they be mitigated?
2. How will the site accommodate pedestrian and bicycle traffic?
3. How many vehicle trips are expected on this site?
4. Will there be impacts from car lights on homes in the neighboring communities?

Page 5-4 Alternatives
I think a modified Alternative 3 would be the environmentally superior scenario. Keep Slack Street and Grand Avenue facilities but eliminate the UBRC. The faculty and staff housing on Slack and Grand mitigate for the faculty and staff increases over the lifetime of the plan but the UBRC mitigates for none of the impacts caused by implementation of the plan. There are no environmental or university planning principles that can be mitigated by the UBRC. The environmental impacts which cannot be mitigated do not offset the need of construction of the UBRC. I18-36

Appendix F Noise Modeling Results
There should be noise modeling results from the area of the URRC. It would be important to know what the noise impacts from that project will have on neighboring communities. I18-37

Consistency between the actual Master Plan and the DEIR
On page 2-12 the land use for the area west of Highway 1 and the potential location of the UBRC is listed as Residential Neighborhoods (RN)

> *Residential Neighborhoods (RN) are designated predominately for workforce housing, including some community facilities and convenience retail, designed for Cal Poly faculty, staff, retired university community members, or other persons employed in the area. Non-traditional students, including, but not limited to, graduate students, married students or students with families, veteran students, or other students needing specific accommodations may also be considered.* I18-38

From the Master Plan Figure F2-24 The land west of Highway 1 and the proposed site is not shown as pasture. For years this land has been used for grazing sheep and the map should reflect that use.

From the Master Plan page 2-61 – The Master Plan states that the UBRC

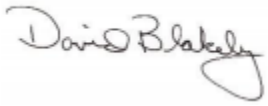
> *As in Bella Montaña, the primary market for these units will be faculty and staff (including retired faculty and staff). In addition, this housing may be offered to other groups such as graduate students, veterans, and students with families, alumni or retirees* I18-39

If this is true, then the DEIR did nothing to include potential student housing in this area. The DEIR consistently spoke of this area as a retirement community, yet the Master Plan indicates students may live here too. This inconsistency must be made consistent. I18-39 cont.

Master Plan page 4-45 Figure 4-5 This plan shows the entire triangular shaped piece of property west of Highway 1 as New Residential Neighborhood Area. Most other maps show the northern portion of this property as Open Space. There should be consistency with other maps and descriptions in the document and the DEIR. I18-40

Thank you for the opportunity to comment on the most recent version of the DEIR for the Cal Poly Master Plan 2035

Sincerely,



David Blakely

Attachments.

1. January 8, 2018 comments from the City of San Luis Obispo
2. December 22, 2017 comments from David Blakely on November 2017 DEIR

Community Development
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January 8, 2018

Julie Hawkins
Facilities & Capital Projects
California State Polytechnic University
1 Grand Avenue
San Luis Obispo, CA 93407

SUBJECT: Cal Poly Master Plan Draft EIR - City of San Luis Obispo Comments

Dear Ms. Hawkins:

The City of San Luis Obispo staff and City Council have been engaged in the Cal Poly Master Plan Update since the public process started in 2014. We have appreciated the opportunity to participate on Master Plan Advisory Committees, the presentations made by Cal Poly to keep our community informed, and the many staff meetings covering specific issue areas analyzed in the Draft Environmental Impact Report.

The City of San Luis Obispo and Cal Poly have a history of successful collaboration and partnerships that cover a wide range of services in areas such as water and wastewater, emergency response, transit, information technology, and support for local entrepreneurs – just to name a few. The City of San Luis Obispo is committed to supporting Cal Poly's success, and many of the planning ideas illustrated and described in the Campus Master Plan will help advance strategic goals for both the City and University.

> **Housing Element Policy 8.4:** Encourage Cal Poly University to continue to develop on-campus student housing to meet existing and future needs and to lessen pressure on City housing supply and transportation systems.
>
> **Housing Element Policy 8.5:** Strengthen the role of on-campus housing by encouraging Cal Poly University to require freshmen and sophomore students to live on campus.

While implementation of these and similar policies remain essential for accomplishing City housing objectives, including neighborhood wellness, Cal Poly must also recognize the impacts that development under the Master Plan will have on City infrastructure and service systems, and provide mitigation for those impacts. According to the City Council-adopted Guiding Principles for the Cal Poly Master Plan Update, the Master Plan and EIR should "fully explore the impact of growth on City services."

The University made every effort to include the community and develop consensus around the components of the Draft Master Plan. Those efforts should continue. Best practices for implementation of the California Environmental Quality Act suggest that the information gleaned during preparation of the Draft EIR should inform further public engagement and refinement of the Master Plan.

To this end, the City is offering the attached list of comments for your consideration. We remain hopeful that the comments will be carefully evaluated and that appropriate changes to the Draft EIR and Master Plan will be made. In the meantime, City staff stands ready to work with the University to address the technical and policy issues identified. While the City supports the goals of the Master Plan, unmitigated impacts that will have both quality of life impacts on our residents, and fiscal impacts on our operations need full analysis and appropriate mitigation.

We look forward to continuing the partnership and working together to come to agreement on the myriad of issues identified so that the Master Plan process can move forward with community support. If you have any questions about the attached comments, please don't hesitate to be in touch with me directly.

Sincerely,

Michael Codron
Community Development Director
City of San Luis Obispo

ENCL: Comments on the Cal Poly Master Plan Draft EIR

CC: San Luis Obispo City Council
Ray Aronson, Executive Director of Facilities, Planning, and Capital Projects
Jessica Darin, Chief of Staff
Christine Dietrick, City Attorney
Juanita Holler, Associate Vice President for Facilities
Keith Humphrey, Vice President for Student Affairs
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January 8, 2018

VIA ELECTRONIC MAIL

CSU Board of Trustees
c/o Julie Hawkins, Campus Planner
Facilities Planning and Capital Projects
California Polytechnic State University, San Luis Obispo
1 Grand Avenue
San Luis Obispo, CA 93407
jkhawkin@calpoly.edu

Re: Master Plan 2035 Draft Environmental Impact Report dated November 2017, State Clearinghouse No. 2016101003

Dear Ms. Hawkins:

Our firm represents the City of San Luis Obispo ("City"), in connection with its review of the Draft Environmental Impact Report ("DEIR" or "Draft EIR") dated November 2017 for the 2035 Master Plan ("Master Plan") of California Polytechnic State University, San Luis Obispo ("Cal Poly"). While the City supports the Master Plan in general, and the contemplated student housing units in particular, there are a number of troubling environmental issues which the DEIR does not properly evaluate. As a result, we submit the following comments on the DEIR on behalf of the City.

As a preliminary matter, the City wishes to highlight the following major issue areas that raise the highest levels of concerns:

- The Water Supply analysis underestimates potential water needs and improperly relies on development of unknown future water sources, contrary to California Supreme Court case law.

- The Utilities analysis underestimates potential impacts to City wastewater facilities and improperly relies on development of a new wastewater treatment plant without analyzing its environmental impacts or feasibility.

- The Traffic and Circulation analysis relies on a flawed trip calculation methodology, significantly underestimates potential impacts to City streets, intersections, transit

services, and bicycle and pedestrian traffic, and improperly applies adopted CEQA thresholds.

- The Master Plan will result in significant impacts to public safety, particularly fire and emergency response services, which the DEIR does not disclose or mitigate.

The City believes these issues may be remedied through revised studies and mitigation measures and will remain ready to aid Cal Poly in accomplishing these revisions. However, the City must request that written responses to each of the following comments be provided in accordance with the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21000, *et seq*.), and section 15088 of the State of California Guidelines for the California Environmental Quality Act (Guidelines) (14 Cal. Code Regs. § 15000 *et seq*.)

General and Overarching Problems

- *Incomplete or inaccurate enrollment and headcount estimates*

The DEIR assumes that the Master Plan will result in 22,500 full time equivalent (FTE) students, which is repeatedly equated to 25,000 headcount students. (See DEIR pp. I, 2, 5.) The DEIR explains that then-current 2015/2016 "student enrollment of 17,500 FTE students equates to 20,000 headcount students since it includes part-time students as well." (DEIR, p. I, fn. 1.) This amounts to a ratio of 1:1.875 FTE to headcount students. Applying this ratio to the anticipated 22,500 FTE students, the Master Plan would result in 25,714.3 headcount students, not 25,000. The DEIR, therefore, underestimates the total number of students who will attend Cal Poly under the Master Plan by more than 714 people. There is no explanation for this discrepancy. As a result, there is no substantial evidence for the population numbers used as the basis for every issue area addressed in the DEIR. Moreover, the headcount total is particularly important for estimating impacts to traffic, water, wastewater, air quality, greenhouse gas emissions, and public services, because these environmental areas are greatly influenced by the number of people coming to a project site. The inaccurate estimation of total headcount students is likely to require significant revisions to the DEIR and may result in new and increased environmental impacts.

Compounding this problem, the Master Plan contemplates that Cal Poly may include a summer quarter or year-round course offerings during the life of the Master Plan. The result would be to increase the total number of unduplicated headcount students to **27,560** under the Master Plan. (Master Plan, pp. 2-22-23.) This would amount to **2,560** more individual students attending the campus than was disclosed and analyzed in the DEIR. In fact, the DEIR makes no mention whatsoever of the possibility of year-round enrollment. Nor does the DEIR account for any possible increases in headcount or FTE students above the stated goals of 25,000 and 22,500 respectively.

Meanwhile, the Master Plan indicates that these enrollment goals are largely unreliable and unrealistic. Page 2-23 of the Master Plan states that, based on recent trends, an anticipated 25,000 headcount student population would result in 23,264 FTE students, not 22,500 FTE as repeated throughout the DEIR. And even this estimate does not appear to account for anticipated

increases in unit loads. (Master Plan, p. 4-3.) The Master Plan indicates that increases in unit consistent with current rates would increase FTE students by 300, yet this was not accounted for in the DEIR. (*Id.*)

Moreover, there is substantial evidence that significantly more than either 22,500 FTE or 25,714.3 headcount students are likely under the Master Plan. As discussed in more detail in the comments on the Traffic Chapter below, there is evidence that Cal Poly has chosen to increase enrollment levels beyond its forecasts in the recent past, demonstrating that using forecasts without supporting policies or programs as assumptions is not a valid methodology. The 2001 Cal Poly Master Plan EIR assumed a growth of 3,000 students to a total of 20,912 students by 2020-21. However, by 2017 the University has expanded its enrollment level to approximately 21,500 students exceeding the growth rate assumed in the 2001 Master Plan EIR. Further, Cal Poly admitted approximately 1,000 additional students in the 2017 academic year bringing the total 2017 enrollment to approximately 22,500 due to more students accepting offers than anticipated. These new students have been accommodated by adding more beds to existing on-campus student housing. The DEIR and the Master Plan should be updated to include formal policies or programs that govern actual enrollment levels so that enrollment will not exceed the forecasts the DEIR. These policies should limit actual, allowed new beds under the Master Plan to no more than 6,800 as anticipated in the DEIR to ensure that on-campus populations will not increase beyond the DEIR's estimates. In addition, Cal Poly should adopt an enforceable mitigation monitoring plan that outlines the steps that will be taken to address impacts associated with increases in enrollment above the levels anticipated in the DEIR, which recent history indicates is likely to occur.

The DEIR also inconsistently uses FTE enrollment estimates rather than headcount estimates in evaluating impacts to certain environmental areas without supplying substantial evidence that this is appropriate for estimating impacts. For instance, the DEIR appears to have calculated air quality, water, and wastewater impacts using 22,500 FTE as the anticipated number of enrolled students. Not only is this number not reliable for the reasons stated above, but these impact areas are more affected by the total numbers of individual students, faculty, and staff visiting the campus than by the number of students who are calculated as carrying a full-time load of credits. Part-time students who would appear in the headcount number but not as an individual FTE student is likely to use campus facilities, including restrooms, athletic, and healthcare facilities. Additionally, the Master Plan indicates that the FTE estimates are important for the University's budgeting and funding. (Master Plan, p. 4-2.) There is no evidence that FTE estimates are appropriate for approximating environmental impacts. Therefore, headcount estimates should be used to quantify total impacts from the Master Plan.

- *Many identified mitigation measures are vague and unenforceable, and the DEIR lacks substantial evidence that they will mitigate impacts to insignificant levels*

Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects…" and the "public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves

whenever it is feasible to do so." (Pub. Res. Code §§21002, 21002.1(b).) As a result, CEQA requires an EIR to "describe feasible measures which could minimize significant adverse impacts… " (CEQA Guidelines, §15126.4.) A measure is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Res. Code §21061.1.) This definition does not consider mere convenience or preference for the project proponent. The determination of whether a mitigation measure is feasible must be made by the lead agency before certification of the EIR and must be based on a determination that "specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures … identified in the environmental impact report." (Pub. Res. Code §21081(a)(3); CEQA Guidelines, §15091(a)(3), (b); *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1509 ("an initial determination a mitigation measure is infeasible must be included in the EIR and supported by substantial evidence").)

CEQA further provides that "[m]itigation measures must *be fully enforceable* through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design." (CEQA Guidelines, §15126.4(a)(2); see also Pub. Res. Code §21081.6(b); *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 444.)

Here, many of the identified mitigation measures include language that would make the measures applicable only if it is *later* determined to be feasible, to the extent possible, as practicable, if possible, or other similarly vague standards. This language violates the requirements of CEQA that determinations of feasibility occur prior to certification of the EIR and based on substantial evidence of specific reasons for the infeasibility. The following mitigation measures suffer from this problem: 3.1-6, 3.1-9, 3.1-12, 3.2-2, 3.2-6, 3.6-2, 3.7-1, 3.8-3, 3.8-6, 3.8-8, 3.8-10, 3.8-18, 3.8-21, 3.8-22, 3.8-24, 3.8-25, 3.8-26, 3.8-27, 3.9-2, 3.9-4, 3.9-5, 3.9-6, 3.9-8. As a result, these measures are unenforceable and unreliable to actually mitigate impacts to necessary levels. Additionally, the DEIR does not indicate that the identified mitigation measures will be or have been incorporated into the Master Plan. As a result, it is unclear how the measures will be monitored and enforced by the lead agency, which is also the project proponent, or the public. The DEIR should be revised to delete the vague, unenforceable, and feasibility-related language from all mitigation measures and to include defined, measurable, and enforceable measures.

- *Neither the DEIR nor the Master Plan ensure that development will occur as assumed in the DEIR in a manner that is phased or environmentally beneficial*

The DEIR relies on assumptions that development of the Master Plan will occur gradually or in natural progression with the availability of resources so as to minimize the potential for adverse environmental impacts. But, in fact, the Master Plan includes no assurances that development will occur in any such fashion. No phasing schedule or implementation plan is included that identifies the improvements or new facilities that will be developed in incremental steps or

within any generalized time periods. Nor does the Master Plan or the DEIR include an enforceable phasing plan that will only allow development of particular project components to be constructed once all mitigation measures are implemented. This is particularly concerning with the planned student housing components of the Master Plan. The DEIR repeatedly relies on this housing being constructed to mitigate impacts associated with increased enrollment, such as impacts to traffic, air quality, housing, wastewater, and water supply. However, there are no requirements incorporated into the Master Plan that the housing be constructed prior to enrollment being increased, nor is there any enforceable limitation on enrollment absent prior implementation of concretely identified mitigations for the impacts of increased enrollment. The Master Plan should be updated to include a more detailed phasing plan that links development of project components to the assumptions and mitigation measures identified in the DEIR.

- *The mixture of programmatic and project-specific review leads to confusion*

The DEIR inconsistently performs programmatic and project-specific levels of review of the Master Plan, which creates confusion and leads to the underreporting of potential impacts. This is particularly troublesome in light of the near-term Implementation Framework identified in the Project Description. That framework indicates that up to fifteen different components of the Master Plan will be developed during the first five years of the Master Plan. These projects include two new dorms providing 2,500 new beds on campus, the Slack and Grand project, plus approximately 785,700 square feet of new campus facilities. (See DEIR, pp. 24-25.) While it is appropriate to evaluate these near-term projects as part of the larger Master Plan, the DEIR does not provide appropriate project-level review to enable construction to begin as contemplated in the Implementation Framework and still comply with CEQA. Moreover, tiered environmental review would not be appropriate for these projects because they are anticipated to be constructed in the near term and are, therefore ripe for project-level review at this time. (See Pub. Res. Code §§21093(a), 21094.) Additionally, the DEIR does not contain sufficient project-level mitigation measures to allow the DEIR to be used to satisfy CEQA for project components without the need for subsequent or supplemental environment review. Nor does the DEIR include any enforceable mechanism whereby the public and responsible agencies can monitor and ensure that project-level review that complies with CEQA is conducted as projects are constructed under the Master Plan. The DEIR should be updated to include project-level review for at least the projects identified in the Implementation Framework and to require appropriate, additional review for other projects, consistent with CEQA. (See Pub. Res. Code §21094; CEQA Guidelines, §15168.)

In addition to each of the above problems, each chapter of the DEIR contains specific issues that the City addresses in the following comments:

Introduction

- Under the heading of "Purpose of the EIR," the DEIR states that "[d]uring the project implementation process, mitigation measures identified in the EIR will be applied to the project by Cal Poly and/or other involved agencies." However, there is no explanation of how this will be accomplished. In other words, the DEIR identifies no mechanism for

assuring that the mitigation measures will be carried out or enforced. This flaw occurs throughout the document and undermine each and every mitigation measure and self-mitigating project component used to conclude that environmental impacts will be less than significant.

- Under the heading "The EIR," the DEIR does not explain how the Final EIR will be considered and ultimately certified by Cal Poly. The public should be informed of this process so that they may participate and assure that their comments are being considered. Additionally, the inclusion of both a programmatic level of environmental review for the entire Master Plan and the project-specific review for the Slack and Grand project is confusing and not treated consistently throughout the document. The result is that the DEIR is not sufficient to allow any component of the Master Plan, including the Slack and Grand project, to proceed to construction without the need to complete further environmental review in the future.

- Under the heading "Scope of Environmental Analysis," the DEIR lists a scanty number of appendices. For instance, no appendices are included for noise modeling, archaeology, aesthetics, and the only biological survey report is limited to the Slack and Grand project. Due to this lack of thorough studies, it is likely that projects identified in the Master Plan will require additional environmental review, such as subsequent or supplemental EIRs.

- Under the heading "Intended Uses of the EIR," the DEIR is missing a number of additional permits and discretionary decisions that would be required of the City were the Master Plan to proceed to full build-out. In particular, the following additional City actions will be necessary:

    - Amendments to the following agreements, which are attached hereto as Exhibit A:

        - Agreement Between the City of San Luis Obispo and California Polytechnic State University Regarding Water and Sewer Rates dated June 6, 2012

        - Memorandum of Understanding Between the City of San Luis Obispo and California Polytechnic State University Regarding Capacity Interest in City Facilities dated May 1, 2007

        - Agreement Between the City of San Luis Obispo and California Polytechnic State University Regarding Water and Sewer Rates dated January 5, 1993

        - Agreement Between the City of San Luis Obispo and California Polytechnic State University Regarding Optional Equity Interest in the Water and Sewer Systems dated 2007

- Memorandum of Understanding Between the City of San Luis Obispo and California Polytechnic State University dated January 6, 1993, regarding Water and Sewer Rates/Water and Sewer Systems
- Agreement for Emergency Services Between California Polytechnic State University and the City of San Luis Obispo, dated July 1, 2013
- Bus Service Agreement By and Between California Polytechnic State University and the City of San Luis Obispo, originally executed in 2011 and extended in 2017

o Encroachment permits and approvals for work done to or within the City's streets and rights of way.

Project Description

An "accurate, stable and finite project description" is the cornerstone of a legally sufficient EIR. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185.) The Project Description in the DEIR here misses the mark in a number of important respects.

- As explained above, the Project Description relies on an inaccurate and unsupported assumption that enrollment will increase to 22,500 FTE or 25,000 headcount students. (See DEIR, pp. 5, 8.) For the same reasons as those stated in the Summary of Major Problem Areas above, these numbers are incorrect and must be updated to allow for an accurate and stable analysis throughout the document. In addition, the Project Description indicates that enrollment growth "is anticipated to be slower in the early years of the 20-year Master Plan horizon, followed by phased enrollment increase as planned new student housing and instructional facilities are completed." (DEIR, p. 5.) However, neither the Master Plan nor the DEIR include any form of enforceable policies or plans to ensure that this is the case. It appears that Cal Poly remains free to increase enrollment at any rate at any time, as it has done in the recent past. Therefore, this key assumption of the DEIR lacks substantial evidence.

- The Project Description is incomplete and inaccurate because it does not quantify the anticipated number of additional faculty, staff, and management employees that will result from Master Plan. The Master Plan indicates that an additional 733 faculty and staff, or a total of 3,905 including existing staff, will be necessary to serve anticipated enrollment. This increases to 810 new faculty and staff (and 3,982 total) if summer or year-round courses are offered, and 824 if average student unit loads increase at their current rate. (Master Plan, pp. 2-23, 4-3.) Yet the DEIR does not provide this information in the Project Description or elsewhere. It is, therefore, unclear whether any of the potential environmental impact areas account for this increase in number of employees working at the University, with the possible exception of the Traffic section which describes 3,905 total faculty and staff employed on campus. (DEIR, p. 200.) However, even that section fails to account for possible summer or year-round

enrollment, seasonal workers, or employees and students of auxiliary organizations such as ASI and Cal Poly Corporation. (See Master Plan, p. 4-2.) The Master Plan estimates that this could add approximately 300 more employees and 130 students to the campus. (*Id.*) The DEIR does not account for these additional people in any respect.

- The description of the Student Housing components of the Master Plan is incomplete and inaccurate. The Master Plan includes a goal of providing 6,800 new student beds to accommodate all freshman and sophomore students, and up to 30% of upper division students. While the City is very supportive of this goal, there is no indication that the Master Plan or any other University policies will require all such students to live on campus after the housing is built. Presumably, students will remain free to live where they choose, which undermines the assumptions throughout the remainder of the DEIR that the new housing will self-mitigate or limit impacts associated with increased enrollment and full build-out of the Master Plan. Similarly, the Project Description states that the "new housing will be supported with dining facilities, activity centers, and other amenities, making the campus more attractive to students '24/7,' which also reduces the need for student residents to have cars, as more amenities and entertainment will be available on-campus." (DEIR, p. 12.) Again, the City supports this concept, however, neither the Master Plan nor the DEIR provide enough detail or evidence to identify the planned amenities or to show that they will be sufficient to keep students on campus "24/7." As a result, many issue areas will be significantly more impacted than identified in the DEIR.

- The description of the Faculty/Staff Housing and Options Primarily for Non-Students fails to sufficiently describe the planned housing units so that impacts from these Master Plan components may be quantified and evaluated in the DEIR. While the DEIR states that the Master Plan may provide "up to 1,470 units," there is no description of the anticipated number of bedrooms in these units. (See DEIR, p. 13.) The effect of this oversight is potentially significant. For instance, 1,470 studio units might result in 1,470 new residents whereas 1,470 three-bedroom units would result in 4,410-8,820 new residents, depending on the number of residents per bedroom. This creates an exponentially different impact on the environment, including on water supply, wastewater, traffic, air quality, and energy usage, to name a few. The DEIR should be revised to quantify the number of new bedrooms allowed at each residential site (N1-N5) under the Master Plan, limit future development to this number of new bedrooms through an enforceable mechanism, and evaluate impacts throughout the DEIR accordingly.

- The description of proposed Sports and Event Facilities is incomplete and inaccurate. The Master Plan indicates that new "community event space" will be accommodated through build-out of the plan. (See 2035 Master Plan, November 2017 Public Review Draft ("Master Plan"), p. 1-1.) In fact, one of the identified goals of the Master Plan is to "Offer more vibrant evening and weekend events and activities on campus." (Master Plan, p. 2-28.) Accordingly, the Master Plan devotes several pages to describing on-campus events programming for both University and community-wide events, including the capacity of each existing venue and the frequency and intended audience for each

type of event. (See Master Plan, pp. 2-61, 4-18-20.) The DEIR contains none of this information and makes no attempt to quantify the numbers or types of new or increased events anticipated under the Master Plan. Additionally, the Master Plan includes a new "sports and events arena that could accommodate athletic events including tournaments, as well as concerts and other indoor events that draw large audiences." (Master Plan, p. 2-61.) Yet the Project Description limits its description of this new events facility as housing basketball and volleyball games and "other campus events." Concerts and other events that "draw large audiences" create environmental impacts that must be disclosed and analyzed in order to meet the requirements of CEQA. There are no limitations on the numbers of attendees for these events, and the DEIR makes no attempt at estimating these numbers or the impacts of these numbers on the environment. In addition, there is no mention of the new rodeo facilities that are anticipated near the N4 and N5 residential neighborhoods, which will create specific types of impacts associated with noise, air quality, and water quality. (See DEIR, p. 136.) These underreported project components result in underestimations of potential impacts from the project in every single impact area, including traffic, air quality, public safety, biology, water use, and wastewater. Events at the new and renovated venues identified in the Master Plan need to be described in more detail and quantified in the Project Description and throughout the DEIR.

- The DEIR does not contain an adequate description of the new grade-separated railroad crossings required to serve the Master Plan. (See DEIR, p. 16.) The type, size, and specifications of the crossings will create different and potentially more significant impacts on resources such as biology, aesthetics, hydrology, traffic, and air quality. For instance, a four-lane bridge over the tracks may create significant aesthetic impacts that have not been analyzed in the DEIR, whereas a below-grade crossing may create significant impacts to hydrology, archaeology, and biological resources. The DEIR has not disclosed or analyzed any of these potential impacts. The DEIR is also vague as to how many railroad crossings are necessary or whether the existing below-grade railroad crossing at Highland Drive will require improvements. In addition, the Union Pacific Railroad ("UPR") has published standard specifications and requirements for grade-separated crossings, yet the DEIR does not mention these requirements. In fact, there is no indication that the proposed crossings can be designed and constructed to those standards here nor that, in meeting UPR's requirements, no significant environmental impacts will occur. The DEIR should be revised to describe the required railroad crossings in accordance with UPR and Public Utilities Commission requirements and analyze all potential environmental impacts resulting from those crossings.

- The Implementation Framework included in the Project Description is incomplete and inadequate.

    - Although the DEIR attempts to list project components that will be implemented in the next five years, there is no indication of when the remainder of the Master Plan will be constructed. The City understands that the Master Plan is a long-range plan and that the DEIR is largely programmatic in nature, but it is both

feasible and necessary for the DEIR to provide some estimation of when the Plan will be implemented.

- There is no indication that project components will be implemented in conjunction with necessary improvements or mitigation measures to ensure impacts will be reduced. For instance, the DEIR repeatedly relies on the assumption that impacts associated with increases in enrollment will be offset by the provision of new student housing on-campus. But there is no requirement or indication in the Implementation Framework that enrollment will not increase until new housing is built. Similarly, the DEIR relies on replacement of parking spaces to ensure that development within existing parking lots will not impact existing parking ratios. However, the Implementation Framework indicates that, in the next five years, a number of buildings will be constructed on existing parking lots (e.g., Engineering Projects Facility, Student Housing for Freshmen Students), but no new parking facilities appear to be contemplated for the same time period. Nor does the DEIR analyze whether development of these project components will displace or impact instruction and thereby require temporary or replacement structures, which could create new and unevaluated environmental impacts. The DEIR should be revised to provide a more detailed and enforceable implementation plan describing how and when project components will be constructed consistent with Master Plan goals and required mitigation measures.

- In addition, the Project Description indicates that a total of 785,700 square feet of new or expanded development, not including the 2,500 beds of new student housing or Slack and Grand project, is planned during the first five years of the Master Plan. This is a significant volume of new development, but by conducting a programmatic level of review of the Master Plan, the DEIR fails to consider the immediate and potentially significant impacts associated with these near-term and large-scale projects. Because these components are all planned to be completed in the near future, the DEIR should provide project-level review for each of them. Otherwise, Cal Poly will be required to conduct additional environmental review immediately and in a piecemealed fashion for these near-term projects.

- Up to 2,500 new beds for freshmen and sophomore students are anticipated to be constructed in the next five years, yet the DEIR fails to describe these housing developments in any level of detail to enable sufficient project-level environmental review. For instance, there is no indication of how many square feet these new buildings will be, or how many stories, nor have any site-specific studies been conducted to evaluate potential impacts to archaeology, biology, geology, hydrology, greenhouse gas and air quality emissions, energy consumption, noise, or aesthetics. The City wishes to encourage the development of these housing units for Cal Poly students, but the DEIR does not provide adequate environmental review to allow them to be developed within the anticipated five-year time frame. Any increases in enrollment during this time frame will not be accommodated by new student housing, which will increase

impacts to traffic and air quality, among others, in a manner that has not been disclosed or analyzed in the DEIR.

- The Slack and Grand project description is also incomplete and inadequate. Although a list of expected unit sizes is included, the DEIR does not provide a total square footage or an estimated population number based on the number of bedrooms. These numbers are important for determining impacts to aesthetics, air quality and greenhouse gas, traffic, and energy consumption. Similarly, the Project Description indicates that 8,500 square feet of retail and a possible spa and pool are contemplated for this project. However, there is no indication whether the public is anticipated to utilize these amenities and thereby contribute to additional traffic, water, wastewater, energy consumption, and air quality impacts.

- The identified Project Actions are incomplete. As indicated in the City's comments on the Introduction which are incorporated herein by reference, a number of additional discretionary actions are necessary from the City in order for the Master Plan to be implemented. The City is a responsible agency under CEQA and should be identified as such in the DEIR. As a responsible agency, the City hereby requests that Cal Poly prepare and submit a proposed mitigation monitoring and reporting program to the City for its review and comment. (Pub. Res. Code §21081.6(a)(1).)

An accurate project description is essential to adequate CEQA review. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199-192.) Before any further steps may be taken with this EIR, the Project Description must be updated to comply with the full information disclosure requirements of CEQA and recirculated for public review.

Impact Areas:

Under CEQA, an EIR "should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines § 15151.) The DEIR fails to do so in a number of respects.

Chapter 3.1 – Biological Resources

The DEIR falls short of a proper analysis of potential impacts to biological resources from either a programmatic or project-specific perspective for a number of reasons:

- Appendix C contains biological survey results conducted as part of the DEIR, but it does not contain any information concerning the field surveys that may have been conducted by SWCA as referenced on page 33 of the DEIR. Without this information, it is unclear whether substantial evidence supports any of the conclusions of the Biological Resources chapter of the DEIR. It is also unclear whether any such surveys were sufficient to allow the level of development contemplated in the Master Plan. For instance, the public cannot ascertain whether

the fifteen different projects expected to be completed in the next five years were properly evaluated for potential impacts to species so that construction might actually commence without the need for further environmental review. Actual biological survey results should be provided in the DEIR to support the conclusions reached concerning biological resources. It does not appear that any surveys were conducted for protected or special status plant species except for the Slack and Grand site, nor does the DEIR include a mitigation measure requiring surveys or mitigation prior to construction. (See DEIR, p. 47, referencing CNDDB database only.) This violates CEQA's information disclosure requirements and may result in new, previously undisclosed significant impacts. In addition, the Slack and Grand project has apparently undergone only one survey for biological resources. Additional surveys and consultation a required, particularly given the suitable habitat for California red-legged frog and Monterey dusky-footed woodrat, to ensure that species are not impacted by construction of this specific development. As an example, USFWS protocol level surveys for the California Red Legged Frog are to be completed with one day and one night survey each week for a six week period and consultation for appropriate relocation techniques of the woodrat should occur with California Department of Fish and Wildlife biologists.

- Similarly, the DEIR provides insufficient information about where specific project components will be developed in comparison to existing or potential biological resources on campus. The only depiction of existing biological resources appears in Figure 17, which purports to also show "Project Areas" that will be developed under the Master Plan. However, these areas are rather limited and do not appear to incorporate the full scale of the Master Plan's development. For instance, the Master Plan includes a Creekside Pedestrian Walk that will cross Brizziolari Creek (incorrectly referred to in DEIR as "Brizzolara" which is located within City limits) in a number of places. But Figure 17 shows no such crossings. In fact, Figure 17 shows no crossings at all of Brizziolari Creek, which includes critical steelhead habitat under the Federal Endangered Species Act ("FESA"), even though the Master Plan shows at least five. (Master Plan, p. 2-90.) Similarly, Figure 17 does not show the proposed bike and pedestrian path that is proposed to be developed across Stenner Creek, which also includes critical steelhead habitat under FESA. (Master Plan, p. 2-91.) This may result in impacts to jurisdictional waters and protected species which have not been disclosed or analyzed in any fashion in the DEIR, potentially requiring recirculation to address. Additionally, Figure 17 depicts huge swaths of the campus as "Developed" and thereby presumably excluded from any potential impact analysis. However, biological resources, such as protected birds, may still exist in these areas and should not be excluded from evaluation simply because buildings exist in the area. Additionally, the DEIR identifies a number of unnamed drainages that may be, or are, considered waters of the US or the State, however none of these drainages are identified in Figure 17. It is, therefore, impossible to determine whether development of the Master Plan will likely impact these drainages, which undermines the conclusions of the DEIR.

- The DEIR improperly defers analysis and mitigation required for impacts to protected species. The DEIR acknowledges that Master Plan development will occur adjacent to areas that support listed critical habitat for the South-Central California Coast steelhead and habitat for the California red-legged frog, species which are listed under FESA and the California Endangered Species Act. The DEIR further acknowledges that, if development impacts these areas, the University may be required to obtain a Biological Opinion and an incidental take permit (ITP) from United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and/or the National Oceanic and Atmospheric Administration (NOAA). If there is no federal nexus for the project, Cal Poly would be required to prepare an implement a Habitat Conservation Plan (HCP), which would require approval by USFWS and/or NOAA. There is no indication in the DEIR that Cal Poly consulted with these responsible agencies in the process of preparing the DEIR, nor that these resource agencies would be likely to approve an ITP and/or HCP without significant modifications or mitigations being required of the Master Plan. These changes and mitigation measures must be disclosed and evaluated for secondary impacts now, prior to approval of the Master Plan. This is even more urgent for the fifteen projects that will be built within the next five years. One of those projects is the housing project for sophomore students proposed for the North Campus Planning Area, adjacent to Brizziolari Creek. (See DEIR, p. 25.) As the DEIR acknowledges, development of this housing project has the potential to impact the creek, which provides critical habitat for protected steelhead. (DEIR, p. 39.) It is, therefore, likely that the Master Plan will impact protected species and that an ITP and HCP will be required, yet no consultation with USFWS and NOAA has been completed. Nor does the DEIR indicate that approval of an ITP and/or HCP may require an Environmental Impact Statement under the National Environmental Protection Act (NEPA). Each of these processes will cause delay and will likely require either modifications to the Master Plan or mitigation measures that have not been accounted for in the DEIR, as discussed more fully below. CEQA does not allow Cal Poly to defer this analysis.

- The DEIR improperly defers analysis and mitigation required for impacts associated with waters of the United States and the State of California. As indicated above, the Master Plan calls for development that will undoubtedly impact Brizziolari Creek and Stenner Creek. Although it is unclear how many new crossings are contemplated in the Master Plan, it is clear there will be at least one new crossing constructed across each of these creeks. Each of these creeks is likely deemed a waters of the United States and a waters of the state. The DEIR does not disclose that creek crossings typically require fill or other structures placed within the creek beds or banks and have the potential to alter the course of the creek. Moreover, crossings have the potential to create additional points of surface pollution as vehicles cross the water way. As a result, permits or certifications will likely be necessary from the United States Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB) under Sections 401 and 404 of the Clean Water Act, and a streambed alteration agreement from CDFW, for build-out of the Master Plan. Again, there is no indication in the DEIR that Cal Poly consulted with these

responsible agencies in the process of preparing the DEIR, nor that these resource agencies would be likely to approve a 404 permit without significant modifications or mitigations being required of the Master Plan. These changes and mitigation measures must be disclosed and evaluated for secondary impacts now, prior to approval of the Master Plan. This is even more urgent for the fifteen projects that will be built within the next five years. One of those projects is the housing project for sophomore students proposed for the North Campus Planning Area, adjacent to Brizziolari Creek. (See DEIR, p. 25.) As the DEIR acknowledges, development of this housing project has the potential to impact the creek. (DEIR, p. 39.) It is, therefore, likely that the Master Plan will impact this Waters of the United States and that a 404 Permit will be necessary, yet no consultation with USACE or RWQCB has been completed. Nor does the DEIR indicate that approval of a 404 Permit may require an Environmental Impact Statement under NEPA. Each of these processes will cause delay and will likely require either modifications to the Master Plan or mitigation measures that have not been accounted for in the DEIR, as discussed more fully below. CEQA does not allow Cal Poly to defer this analysis.

- The DEIR lacks substantial evidence that identified mitigation measures are feasible and will actually avoid or mitigate impacts to biological resources. As a general matter, these mitigation measures would supply, at best, only a conceptual habitat mitigation and monitoring plan. CEQA requires that at least the minimum requirements of the habitat mitigation and monitoring plan be spelled out in the EIR, even if the final document will follow. This has not been done here, as explained in more detail below.

    - Mitigation Measure ("MM") 3.1-1: As written, this mitigation measure would require monitoring and reporting of compliance with mitigation measures, but only "at a frequency and duration as determined by the University or as directed by the affected natural resource agencies." (DEIR, p. 55.) This is a vague and unenforceable standard that provides discretion to the project proponent to determine whether and how the measure will be complied with, which renders the measure unenforceable. In addition, this measure only applies to construction of certain components of the Master Plan. The list of components includes the term "tributaries to the creeks" but provides no description or map showing these tributaries. A map should be provided that identifies the tributaries in order to ensure that this mitigation measure is enforced properly.

    - MM 3.1-2: This measure applies prior to application for grading permits, but it is unclear to whom such applications are made and according to what standards they are granted. As a result, the measure may be unenforceable and unreliable. Additionally, the measure requires grading plans to show all staging areas at a minimum of 100 feet from "adjacent riparian areas, aquatic sites, or other sensitive communities that may be present." (DEIR, p. 55.) The term "other sensitive communities" is vague and unenforceable and

should be clarified. In addition, this measure provides no protection from actual construction or operation of any project components within the identified 100-foot setback. As a result, this measure cannot be relied upon to mitigate such impacts. This is particularly problematic for impacts to jurisdictional waters of the US and the State from the Farm Shop, which the DEIR explicitly relies on to mitigate potential impacts.

- MM 3.1-3: This measure requires habitat replacement for impacts to sensitive communities, but it contains no standards for determining when an impact is deemed to have occurred or what qualifies as a "sensitive community." This measure is also problematic because it provides no performance standards for the quality of the replacement habitat, where the replacement habitat is allowed to be located, how the habitat is to be maintained, or whether or how it will be preserved as habitat in perpetuity. Without these standards, it is impossible to determine whether such a measure might actually mitigate for impacts to specific species, habitat, or other biological resources. For instance, habitat areas in Santa Cruz are unlikely to provide actual mitigation for impacts to critical steelhead habitat occurring on the Cal Poly campus in San Luis Obispo. Yet this mitigation measure would appear to allow this. The identified 1:1 ratio is also lower than is generally accepted by lead and responsible agencies. A proper mitigation ratio requirement for wetland habitat from the USACE and RWQCB would typically be 2:1, and for riparian mitigation, the tree replacement mitigation requirement from the CDFW is normally 4:1. In fact, MM 3.1-6 requires 2:1 replacement for permanent impacts to jurisdictional waterways and 1:1 replacement for temporary impacts. There is no substantial evidence to support the 1:1 in this mitigation measure, which apply other types of biological resources. Because of these serious problems, this mitigation measure cannot be relied upon to mitigate impacts to levels of insignificance. Yet this measure is relied upon to mitigate impacts to jurisdictional waters and riparian habitat from the Creekside Village and Housing, New Recreational Areas, Roadway Improvements, Farm Shop, and N4 Residential Neighborhood, and impacts to special-status wildlife from the Creekside Pedestrian Walk, Creekside Village and Housing, and Roadway Improvements. (DEIR, pp. 45-52.) Because this mitigation measure is not reliable and lacks substantial evidence to show that it will reduce impacts to levels of insignificant, new or increased impacts may result from the Master Plan that are not disclosed in the DEIR.

- MM 3.1-5: This measure requires a 15-foot buffer to be established from Brizziolari and Stenner Creeks, "their tributaries, or other riparian vegetation." There are numerous problems with this measure. First, the 15-foot buffer is inconsistent with mitigation measure 3.6-3, which requires a 25-foot buffer from these areas. Yet there is no evidence to indicate that a mere 25-foot buffer will suffice. By comparison, the City's adopted standards require a 35-foot buffer from Brizziolari Creek and a 50-foot buffer for Stenner Creek.

(San Luis Obispo Municipal Code, Zoning Regulations 17.16.025.) Second, the buffer only applies to parking areas, structures, hardscapes, and utility infrastructure, but it would allow development of landscape, trails or passive recreation, or other activities that would also impact these jurisdictional waters, riparian areas, sensitive species, and critical steelhead habitat. Third, the effectiveness of this measure is undermined by its inclusion of exceptions "as needed for pedestrian bridges, road crossings, and similar improvements, which will be designed in compliance with Mitigation Measure 3.1-3." (DEIR, p. 56.) The phrase "similar improvements" is sufficiently vague that virtually any form of circulation improvement might be allowed within the setback. Moreover, the reference to Mitigation Measure 3.1-3 does nothing to safeguard the creeks, riparian areas, or habitat from development, as it requires replacement habitat, not avoidance through design. Finally, it is unclear where this set-back would require due to the vague reference to "their tributaries." In order for a set-back to be effective, it should be clearly mapped and incorporated into the Master Plan and it should apply to any form of ground disturbance, without exception. Because of the serious problems with this mitigation measure, it cannot be relied upon to mitigate impacts to less-than-significant levels. Yet the DEIR relies on MM 3.1-5 to mitigate impacts to jurisdictional waters and special status wildlife from development of the Creekside Village and Housing, New Recreational Areas, Roadway Improvements, the Farm Shop, and the N4 Residential Neighborhood. As a result, these project components may create unmitigated significant impacts not disclosed in the DEIR.

- MM 3.1-6: This mitigation measure seeks to address impacts to jurisdictional waterways by requiring avoidance and, if avoidance is not feasible, permits from the appropriate regulatory agencies, such as USACE, CDFW, and RWQCB. But there are several problems with this measure. First, the measure applies only to "jurisdictional waterways" but not to any of the tributaries or other water bodies that may be considered waters of the US or of the State. Second, the measure it requires coordination with these resource agencies only after Cal Poly determines that avoidance is not feasible. The resource agencies should be part of that determination now at the DEIR stage and, at least, well before construction begins. Because these agencies have jurisdiction over the potentially impacted resources, they should be responsible for determining whether any particular improvement will actually avoid the resource. Moreover, this measure does not identify a standard whereby the University would determine if avoidance is feasible. Third, the measure allows Cal Poly to propose mitigating impacts through "mitigation ratios," 2:1 for permanent impacts and 1:1 for temporary, but no standards are provided to determine whether an impact will be deemed to have occurred, and whether it is permanent or temporary. There are no requirements that mitigation take any particular form, such a permanent preservation, restoration, or enhancement, nor any standards for where the mitigation may

occur or for how or how long it must be maintained. In fact, the measure only requires Cal Poly to identify the location of the compensatory mitigation if permanent impacts are unavoidable and if the locations are off-site. Otherwise, this measure contains virtually no performance standards for ensuring actual mitigation through compensation, contrary to the requirements of CEQA. (See CEQA Guidelines, §15126.4 (a)(1)(B); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118–19 (mitigation measure must articulate specific performance criteria and require means of satisfying criteria).) Finally, this measure requires Cal Poly to coordinate with USFWS and NOAA if fill or vegetation removal will occur within the banks of Brizziolari Creek and if take of steelhead or California red-legged frogs will occur. The provision then states that USACE or NOAA will then issue "a biological opinion with an incidental take statement for the project." This measure fails to provide adequate mitigation under CEQA for impacts to these protected species for a number of reasons, including that it does not encompass the requisite ITP and consultation process required under CESA with CDFW; it contains no performance standards for measuring impacts or ensuring actual mitigation; it does not acknowledge any of the standard mitigations that are likely to be required as part of an ITP; fails to analyze whether any such mitigations likely to be required under an ITP are feasible; and it does not require Cal Poly to comply with the conditions of any ITP that may be issued. Moreover, this measure appears to have been developed without consulting with the relevant resource agencies, contrary to CEQA's requirement for early consultation prior to preparation of the DEIR. In sum, MM 3.1-6 does not provide adequate mitigation of impacts to jurisdictional waters or protected species. Because the DEIR relies on this measure to mitigate impacts to jurisdictional waters and special status wildlife from development of the Creekside Village and Housing, New Recreational Areas, Roadway Improvements, the Farm Shop, and the N4 Residential Neighborhood, these project components may create unmitigated significant impacts not disclosed in the DEIR.

- MM 3.1-8: This mitigation measure describes the required components of a trail plan and is, therefore, more appropriately addressed to the potential impacts to recreation resources rather than biological resources. Additionally, the measure indicates that "adequate buffers" should be established from waterways and "other sensitive resources." These terms are vague and should be defined through more detailed standards in order to be effective.

- MM 3.1-9: This mitigation measure defers the analysis of impacts and the development of appropriate mitigation in a manner that is inconsistent with CEQA. The measure provides no performance measures to establish how impacts will be determined, how and who will determine whether avoidance is feasible, and what types of mitigation measures will be implemented. If future studies will be used to evaluate and mitigate impacts, the measure must

include sufficient performance measure to ensure adequate mitigation. (CEQA Guidelines, §15126.4 (a)(1)(B); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118–19.) There is, therefore, no way to determine whether this measure will be effective and it cannot be relied upon to mitigate impacts to levels of insignificance.

- MM 3.1-11: This measure addresses potential impacts to western pond turtle, which is designated by the State of California as a species of special concern. Because this is a state designation, the reference to USFWS in this mitigation measure should be changed to CDFW.

- MM 3.1-12: This mitigation measure seeks to address impacts of the Slack and Grand project to jurisdictional waterways if avoidance is not feasible. There are a number of problems with this measure, which are very similar to those identified concerning MM 3.1-6. First, it is certain that, as currently designed, the Slack and Grand project will impact jurisdictional drainages because the project proposes to develop directly over and through the identified drainages. As a result, it is certain that a Section 404 permit will be necessary from USACE, a Section 401 certification from RWQCB will be required, and a streambed alteration agreement will be needed from CDFW. Therefore, Cal Poly should have consulted with these resource agencies prior to completion of the DEIR to ensure that these permits could be obtained and what kinds of conditions and mitigations would be required. The DEIR impermissibly defers this process. Third, the measure allows Cal Poly to propose mitigating impacts through "mitigation ratios," 2:1 for permanent impacts and 1:1 for temporary impacts, but no standards are provided to determine whether an impact will be deemed to have occurred, and whether it is permanent or temporary. There are no requirements that mitigation take any particular form, such a permanent preservation, restoration, or enhancement, nor any standards for where the mitigation may occur or for how or how long it must be maintained. In fact, the measure only requires Cal Poly to identify the location of the compensatory mitigation if permanent impacts are unavoidable and if the locations are off-site. While the measure requires mitigation of temporary impacts by removal of non-native and moderately invasive olive trees and establishment of native trees, there is no evidence that these actions will actually mitigate impacts to jurisdictional drainages or that the relevant resource agencies would agree with these measures. Otherwise, this measure contains virtually no performance standards for ensuring actual mitigation through compensation, contrary to the requirements of CEQA. (See CEQA Guidelines, §15126.4 (a)(1)(B); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118–19.) Because the DEIR relies on this measure to mitigate impacts to jurisdictional waters from development of the Slack and Grand project, this project may create unmitigated significant impacts that are not disclosed in the DEIR.

- The DEIR's conclusions regarding impacts to biological resources after mitigation are unsupported by substantial evidence. As described in the above comments on the biological resource mitigation measures, the DEIR does not provide adequate mitigation to ensure that impacts will remain insignificant. There is no evidence that the relevant resource agencies will issue the requisite permits or that Cal Poly will be able to comply with all conditions and mitigations required of those permits. The DEIR relies on LID design standards and "Reasonably Prudent Measures" to minimize impacts without identifying those standards and measures or analyzing the extent to which they will actually mitigate impacts. Furthermore, the DEIR improperly defers analysis of potential impacts as well as development of appropriate mitigation measures in violation of CEQA. Impacts to biological resources, therefore, will remain potentially significant and unavoidable, contrary to the DEIR's conclusions.

- The DEIR's analysis of cumulative impacts to biological resources is also flawed. As discussed above, the identified mitigation measures cannot be relied upon to mitigate project-level impacts to jurisdictional waterways and, therefore, cannot be relied upon to mitigate cumulative impacts. In addition, the identified measures do not apply to all development under the Master Plan, contrary to statements in the cumulative impact discussion. The DEIR also makes no attempt to identify anticipated future development in the area, such as build out of the City's General Plan or a list of future projects, as is required of an adequate cumulative impact analysis under CEQA. (CEQA Guidelines, §15130(a)(1).) It is, therefore, improper for the DEIR to conclude that cumulative impacts will be mitigated by federal, state, and local regulations. Nor can the DEIR rely on local regulation to mitigate cumulative Master Plan development because the University is largely exempt from any such regulation. The DEIR also fails to quantify or property evaluate cumulative impacts to critical steelhead and red-legged frog habitat, or impacts associated with cumulative loss of trees, which effects nesting and foraging habitat for protected birds. Finally, the DEIR improperly concludes that because the Master Plan will result in the loss of a relatively small number of acres of grassland when compared to the University's overall land holdings, there is no cumulative impact to biological resources. This type of comparative analysis is not proper under CEQA. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718; *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1024-1026; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 117-122.)

For all of these reasons, the DEIR's Biological Resources analysis is insufficient and must be revised and recirculated for further review and comment by the relevant resource agencies and the public.

Chapter 3.2 – Cultural Resources

The DEIR provides insufficient evidence that potential impacts to cultural, historical, and archaeological resources have been evaluated, disclosed, and mitigated to the maximum extent feasible.

- The DEIR indicates that SWCA performed "a pedestrian archaeological survey" of the Slack and Grand site in 2016. However, there is no evidence that such a survey met the standards of a Phase 1 survey or other accepted protocols to ensure that all potential resources were identified. In fact, given the level of grading required for this project and the likelihood of resources in the area in light of prior finds and comments received from Northern Chumash representatives, a Phase 2 survey should have been completed. Instead, it appears that no surveys meeting standard, accepted protocols for archaeological resources have been completed. As a result, the DEIR's conclusions regarding potential impacts from the Slack and Grand project lack substantial evidence.

- The DEIR improperly and inexplicably concludes that there are no known Native American or tribal cultural resources within the campus or within the Master Plan area. The DEIR identifies at least four previously-documented instances of prehistoric artifacts being found within the campus. (DEIR, pp. 73, 86.) In fact, the DEIR includes two different mitigation measures to require avoidance and mitigation of impacts to at least three of these known archaeological sites, which acknowledges that these sites exist and that the Master Plan may impact them. (DEIR, p. 86.) These facts, coupled with the acknowledgement that numerous documented sites have been found in the surrounding area, indicate that it is highly likely that the massive amounts of ground disturbance anticipated under the Master Plan will unearth and impact known and unknown archaeological resources. Moreover, Northern Chumash representatives have specifically stated, in response to AB 52 noticing, that the campus "sits in a place that may have experienced considerable activity and or occupation by the Northern Chumash." (DEIR, p. 74.) Under AB 52 and other cultural resource provisions incorporated into CEQA, the Northern Chumash representatives are considered experts in this field and their comments cannot be dismissed without substantial evidence to the contrary. But no such evidence exists in the DEIR. The DEIR does not indicate that any archaeological surveys were conducted as part of the Master Plan environmental review to document the lack of resources in the impacted areas. As stated on page 79 of the DEIR, CEQA requires the lead agency to "consider the significance of the resource to a California Native American tribe." The DEIR lacks an appropriate discussion of the significance of the resource to the relevant Native American groups and the potential impacts to such resources resulting from the Master Plan.

- The DEIR lacks substantial evidence that it has fully complied with the consultation requirements of AB 52.

    - While it appears that some amount of noticing was provided to at least one Native American group, there is no evidence that entire list of potentially affected groups

was notified. More importantly, there is no evidence that complete consultation occurred with the Northern Chumash group that responded to an initial notice.

- There is no evidence that Cal Poly complied with the requirement that, if a Native American group "requests consultation regarding alternatives to the project, recommended mitigation measures, or significant effects, the consultation shall include those topics." (Pub. Res. Code §21080.3.2(a).)

- There is no evidence that Cal Poly included in its consultation with the Northern Chumash group "discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommended to the lead agency," as required under AB 52. (Pub. Res. Code §21080.3.2(a).)

- There is no evidence that consultation was conducted or concluded in accordance with AB 52, which states that "consultation shall be considered concluded when either of the following occurs: (1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource. (2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached." (Pub. Res. Code §21080.3.2(b).) In fact, there is no evidence whatsoever that the Northern Chumash group was allowed to review or agree to the mitigation measures identified in the DEIR. The DEIR then inexplicably concludes that, despite the Northern Chumash's identification of the campus areas as containing potentially considerable activity and occupation by their people, consultation did not identify tribal cultural resources within the Master Plan area. This conclusion lacks substantial evidence and underestimates potential impacts to cultural resources. The EIR cannot be certified until proper consultation has been completed, the DEIR has been updated to disclose the full extent of potential impacts, and appropriate mitigation measures are developed, as agreed to by the Northern Chumash.

- The DEIR analysis underestimates and fails to disclose the full extent of potential impacts to historical resources. In closely reviewing the lists of planned renovations and demolitions of existing buildings in the DEIR, it is apparent that the Master Plan contemplates demolishing forty-nine (49) pre-1972 buildings and twelve (12) post-1972 buildings. An additional twenty-eight (28) pre-1972 buildings and six (6) post-1972 buildings will be renovated. Each of these buildings is identifiable and capable of being evaluated for its historical significance at this time, but the DEIR inexplicably chooses not to and concludes that "[s]pecific project-related impacts cannot be determined at this time." (DEIR, p. 83.) This is demonstrably false, given that at least 49 of these potentially historic buildings are slated for complete demolition. If these buildings are historic, then the impacts will be significant because the resources will be destroyed. (*League for Prot. of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52

Cal.App.4th 896, 908 ("proposed demolition of the [historic] building can hardly be considered anything less than a significant effect.").) These potentially significant impacts must be disclosed and mitigated in the DEIR. Potentially historic buildings that are slated for renovation should likewise be evaluated and disclosed in the DEIR.

- The mitigation measures identified for impacts to cultural resources are inadequate and should be revised to incorporate all available and feasible measures to reduce potential impacts:

    - MM 3.2-5 provides inadequate mitigation for impacts to historical resources because it defers analysis and development of mitigation to a point when impacts are certain to occur, and it contains no identifiable performance standards to ensure that the measure is effective.

    - MM 3.2-6: This measure requires avoidance of three known archaeological sites but inappropriately defers a determination of whether avoidance is feasible. When measures are relied upon to mitigate potentially significant impacts, CEQA requires that the lead agency determine whether such measure is feasible at the time it is adopted. Here, the sensitive archaeological sites are known, as are the locations of buildings and other planned amenities under the Master Plan. Therefore, the University must determine now whether avoidance of those resources is feasible. Moreover, this measure includes no standards for determining feasibility, nor does the measure identify who will make this determination or when. For these reasons, MM 3.2-6 may not be relied on to mitigate impacts to these resources, which the DEIR should disclose.

    - MM 3.2-8: This measure impermissibly defers a determination of whether the known archaeological sites are eligible for listing in the CRHR. CEQA requires that such a determination be made by the lead agency, based on substantial evidence, prior to certification of the EIR. (Pub. Res. Code §21081(a)(3); CEQA Guidelines, §15091(a)(3), (b).) There is no reason that this determination could not be made at this time, as the resources are clearly known and identifiable. Additionally, this measure requires Phase III data recovery to be implemented if the known sites are going to be impacted. However, such measures are not always appropriate for every kind of resource. Relevant Native American representatives and archaeological experts should have been consulted and substantial evidence must be provided that such data recovery methods are appropriate and will actually provide mitigation for these resources. For instance, experts may determine that capping is a better method. This measure also fails to provide any information as to when the analysis and data recovery program will be completed and includes no enforceable metrics by which the public can ensure that the measure is implemented properly.

    - MM 3.2-8: This measure is inadequate for the same reasons as those stated above for MM 3.2-7. In addition, this measure contains insufficient performance

standards for determining when "a study has not been conducted or existing research is inadequate," whether cultural resources will be potentially impacted, when Native American coordination will occur, when Phase II or Phase III methods will be used to mitigate impacts, and when "historic research will be conducted as necessary." There are also inadequate performance standards for identifying and carrying out mitigation for impacts. CEQA requires that mitigation measures include sufficient performance standards to ensure that mitigation will actually be conducted to lessen impacts to identified levels. This measure identifies neither levels of acceptable impacts nor specific tasks or project changes that will result in mitigation. Additionally, this measure includes a 25-foot setback, which is both inconsistent with the 50-foot setback identified in MM 3.2-6 for the three known archaeological sites and the 60-foot setback required for tribal cultural resources in MM 3.2-12.

For all of these reasons, the DEIR's cultural resource analysis is insufficient and must be revised and recirculated for further review and comment by the relevant resource agencies and the public.

Chapter 3.3 – Agricultural Resources

The mitigation measures identified to address impacts to agricultural resources are inadequate to mitigate potential impacts from the Master Plan.

- The DEIR does not address impacts to prime farmland that may occur as a result of decreases in water supply. Chapter 3.13 of the DEIR indicates that current agricultural use of water from Whale Rock Reservoir must decrease by 42 AFY, but the DEIR does not evaluate impacts to agriculture that will result from this reduction. This problem is compounded by the fact that the Master Plan will face a 505 AFY deficit in water supply, as discussed in more detail below. The DEIR does not properly evaluate potential impacts to important agricultural resources that may result from efforts to reduce this deficit to allow buildout of the Master Plan.

- MM 3.3-1: This measure requires permanent protection of farmland to mitigate impacts to agricultural resources as existing important farmland on campus is converted to non-agricultural use. However, this measure does not identify how impacts are to be measured or determined. The Land Evaluation and Site Assessment (LESA) methodology should be used to identify levels of significance and required mitigation ratios based on actual agricultural capability. (https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/?cid=nrcs143_008438) In addition, there is insufficient evidence that there is actually any benefit to recording conservation easements on University property which is already presumed to remain as open space or in agricultural use. This measure also is internally inconsistent by first referencing a perpetual agriculture or conservation easement, then later describing a deed restriction or covenant. A deed restriction or covenant presumes that there will be no easement holder and therefore no annual monitoring of the restriction by another party.

This is a much less effective method of mitigation. Moreover, the measure fails to identify or describe requirements for appropriate easement holders, nor does the measure identify where the easements will be located. Cal Poly holds land in other parts of San Luis Obispo County (e.g., Nipomo, Arroyo Grande, Los Berros Road area) that could be used as mitigation and would be much more effective than land outside of the County, as contemplated in this measure. If land outside of the county is used, the mitigation ratio should be much higher than 2:1 because the impact that is being mitigated here is specific to agricultural land in San Luis Obispo. This is particularly true of cumulative impacts, which the DEIR estimates in terms of the loss of agricultural land within San Luis Obispo County. (DEIR, p. 117.) Land outside of the county cannot mitigate for impacts within the county. Finally, this measure does not include a clear trigger or timing requirement. As a result of these problems, it is unreliable as mitigation for impacts to agriculture.

Chapter 3.4 – Aesthetics

The DEIR fails to properly analyze and disclose all potential impacts to aesthetic resources that will result from the Master Plan.

- The Regulatory Setting section of this chapter excludes a number of relevant standards, which may create new impacts not previously disclosed in the EIR. These undisclosed standards include the following, among others:
    - Section 9.2.6 Streetscapes & Major Roadways of the City's General Plan, Circulation Element
    - State Department of Transportation regulations on aesthetics established under the California Highway Design Manual Topic 109.
- The DEIR fails to evaluate and disclose potential impacts associated with the Slack and Grand project and the N2, N3, and N4 housing projects and their inconsistency with the established single-family residential neighborhoods surrounding these development areas. While the Slack and Grand, N2, and N3 developments may be consistent with development on-campus, they are not consistent with the visual character of the existing residential neighborhoods that they will abut. The DEIR does not acknowledge this, and it fails to identify any potential measures that may be incorporated to mitigate these inconsistencies. For instance, landscaping, articulation in building design, and other features may be incorporated into these housing projects to help mitigate aesthetic differences with the surrounding neighborhoods. The DEIR should be updated to identify this potentially significant impact and incorporate measures to mitigate the impact.
- The DEIR fails to properly quantify and evaluate impacts associated with nighttime glare. Surprisingly, the DEIR concludes that, with mitigation, impacts associated with nighttime lighting will be less than significant. However, no account is made for increased lighting associated with new or larger athletic fields. While MM 3.4-3 might mitigate some

impacts associated with campus lighting, such as through down-casted lights and shields, this measure cannot be applied to athletic field lights. The Master Plan contemplates a number of new, outdoor athletic facilities as well as increased seating capacity and, therefore, likely increased nighttime events at Spanos Field. All of these components must be evaluated for impacts associated with nighttime lighting. Mitigation measures should be incorporated to address these impacts, such as limitations on hours and usage. Finally, these lights are likely to impact wildlife, but the DEIR makes no mention of any such impacts. The Biological Resources chapter must be updated to account for these impacts. Because a significant source of new lighting has not been analyzed or mitigated, the DEIR improperly concludes that impacts associated with lighting will be mitigated to levels of insignificance.

Chapter 3.5 – Geology and Soils

The DEIR does not provide substantial evidence to support its assessments or conclusions regarding potential impacts to Geology and Soils.

- The DEIR fails to adequately analyze, disclose, and mitigate impacts associated with landslides and slope stability. As indicated on page 160 of the DEIR, impacts "will be considered significant and will require mitigation if the project will: expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving… landslides" or "be located on a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide..." Page 154 of the DEIR acknowledges that a landslide event occurred on campus in February 2017 which resulted in immediate closure of the Fremont Dorm. The DEIR also provides a map showing the landslide area. The DEIR does not disclose that new dorms are planned to be built within that landslide area. Instead, the DEIR vaguely indicates that "new development" is planned within the area and could expose people and property to risk of unstable ground conditions. The DEIR then improperly dismisses this impact because "the University will continue to prepare site-specific soils engineering investigations" and "additional site-specific geologic evaluations…" and will implement unidentified "site-specific measures." (DEIR, p. 162.) This amounts to deferral of analysis and mitigation, which is prohibited under CEQA. There has been no analysis of whether the site can be made safe for the development of new dorms or what level or type of measures would be required to make it safe. Any such measures are likely to have impacts of their own, such as increased grading, boring, and compaction which will cause increased impacts to noise, air quality, and geology. Moreover, the dorms planned for this area are anticipated to be constructed within the next five years. The level of CEQA analysis included in this EIR is inadequate to provide sufficient project-level review for these dorms, particularly in light of the fact that they are planned on a recently-active landslide. The DEIR must be updated to provide the requisite evaluation of impacts associated with the landslide.

- MM 3.5-3 is inadequate for mitigating impacts associated with stormwater runoff from construction and other Master Plan development. As stated in the mitigation measure, it

applies only to projects involving ground disturbance of more than one acre. There is no evidence or analysis of the cumulative or individual impacts associated with development of less than one acre, nor is there substantial evidence that a SWPPP which excludes such development will actually mitigate impacts associated with stormwater runoff to less than significant levels.

Chapter 3.6 – Hydrology and Water Quality

The DEIR does not provide substantial evidence to support its assessments or conclusions regarding potential impacts to Hydrology and Water Quality.

- The DEIR acknowledges that the University has experienced exceedances of its Water Quality Management Plan (WQMP) approved by the RWQCB. These exceedances should be quantified and identified in more detail. Moreover, because the Master Plan increases enrollment and students living on campus, it is likely that the Master Plan will causes increases in exceedances. This potential impact should be evaluated, disclosed, and mitigated in the DEIR. Additionally, the DEIR states the that WQMP is voluntary, which makes it unreliable as a mitigation measure for impacts from the Master Plan. (DEIR, p. 175.)

- The DEIR indicates that the Slack and Grand project will mitigate storm water impacts by incorporating either an underground storage chamber or an above ground retention basin. However, there is no evidence that either of these options has been evaluated for its potential impacts on other issue areas such as groundwater, grading, geology, or biology.

- The DEIR relies on Construction General Permit Order 2009-0009-DWQ and National Pollutant Discharge Elimination System (NPDES) 2013 General Permit No. CAS000004 to mitigate impacts associated with storm water runoff. However, these permits appear to apply to ground disturbance of more than one acre only. The DEIR provides no evidence that these permits will mitigate all project-level and cumulative impacts from storm water with this exception included. Nor is it clear that these permits apply to the Slack and Grand project. As a result, these permits cannot be relied upon to mitigate all impacts associated with storm water runoff. To remedy this problem, the DEIR should include a mitigation measure requiring compliance with these permits and adherence to a SWPPP for *all* construction under the Master Plan.

- The DEIR fails to identify or mitigate potentially significant impacts associated with development of student housing within the 100-foot flood hazard area. When the Master Plan is overlaid on the floodplain map included in Figure 40, it is clear that a number of structures anticipated to be built as part of the new dorms just north of Brizziolari Creek will be built within the 100-year flood plain:

The DEIR does not acknowledge this in any respect but instead concludes the opposite. (See DEIR, p. 177.) No mitigation measures are identified to address impacts associated with locating from what appears to be one third of the new student dorms planned for the area north of Brizziolari Creek within a flood zone. As stated on page 177 of the DEIR, a significant environmental impact occurs when a project with "[p]lace housing within a 100-year flood hazard area…" This potentially significant impact must be identified and mitigated in the DEIR. The failure of the DEIR to identify impacts associated with the 100-year flood zone also affects the discussion of impacts from inundation and cumulative impacts. Therefore, the DEIR must also update its discussion of these impact areas.

Chapter 3.7 – Traffic and Circulation

As explained below, the DEIR significantly underestimates the potential impacts to traffic and circulation that will result from the Master Plan.

- The use of parking space numbers to establish trip generation rates is improper.
    - The DEIR lacks substantial evidence to support the use of such a methodology, which is highly unusual and contrary to trip generation methodologies used by the City or any other lead agency known to the City. While it is understood that methodologies may have an acceptable range of validity, no such range for this methodology has been tested or identified.

- This methodology does not pass a basic test of its logic. For instance, if the Master Plan were to propose that the campus eliminate all parking spaces on campus, the methodology used here would conclude that the University generates zero trips even with 25,000 enrolled students. This defies common sense and evidences the inappropriateness of the trip generation methodology used in the DEIR.

- The Master Plan and DEIR include no policies or programs that govern changes to the number, geographic location, pricing, regulation, permitting, or ratio of population to parking spaces. However, the underlying assumption of the trip generation methodology is that these factors are static. If any of these variables change the trip generation forecasts would be invalidated and the DEIR will not have adequately disclose potentially significant impacts.

- Moreover, there is evidence that Cal Poly has chosen to change these parking variables over time, demonstrating that an available-parking-space-based trip-generation-methodology is not a valid methodology. The 2001 Master Plan forecasted a parking supply of 7,184 spaces. Despite this forecast, Cal Poly in fact provided 7,427 parking spaces. At the same time, parking rates have increased and the location of spaces were changed from what was planned in the 2001 Master Plan.

- Given this history, and the realities of planning for parking demands into the future, it is not feasible for Cal Poly to establish enforceable policies to restrict future parking parameters to those specifically described in the Master Plan. A different trip generation methodology is necessary.

- The auto trip rate developed for the traffic forecasts does not factor the actual occupancy of parking spaces. This is necessary because vehicles represent demand, not vacant parking spaces. The EIR for the Cal Poly Student Housing South project included parking occupancy data. When that data is factored into Exhibit 28 and 27 of the Master Plan Transportation Impact Study, trip generation increases by 31% more than forecasted in the DEIR. These updated calculations are provided in the attached trip generation review memo provided by Central Coast Transportation Consultants, which is attached to this letter as Exhibit B and incorporated by reference. Based on this information alone, it is likely that traffic impacts will be more than significant as a result of the DEIR, particularly intersections nearing the cusp of adopted thresholds.

- The rate calculated is based on a single data point and has not been validated. Trip rates should be based on multiple data points so that a measure of its accuracy, or r-squared value, can be calculated.

- The methodology does not account for off-campus parking spaces within the vicinity of campus, many of which are closer to on-campus destinations than on-campus parking spaces.

- The methodology does not account for trips to and from the campus that would not otherwise utilize a parking space such as deliveries, maintenance activities, and ridesharing services such as Uber and Lyft.

- The methodology is inconsistent with the City's projections for traffic at full build-out of its General Plan. Yet, the DEIR estimates impact of full build-out of the Master Plan based on the City's General Plan build-out estimates, which is essentially an "apples-to-oranges" comparison. As a result, the DEIR lacks substantial evidence for its conclusion that impacts to traffic resulting from the full Master Plan will be less than significant.

- The DEIR fails to apply the University's adopted thresholds of significance for traffic and transportation-related impacts. Page 196 of the DEIR states that project impacts on CSU Facilities were studied under the CSU Impact Study Manual and that project impacts on CalTrans facilities were evaluated under CalTrans Guide for the Preparation of Traffic Impact Studies. However, the CSU Transportation Impact Study Manual explicitly requires impacts to be evaluated under locally-adopted policies:

SIGNIFICANCE CRITERIA	
Elements	**Significant Impact Determination**
Off-Site Traffic Operations	➢ A roadway segment or intersection operates at LOS D or better under a no project scenario and the addition of project trips causes overall traffic operations on the facility to operate unacceptably (LOS E or LOS F). ➢ A roadway segment or intersection operates at LOS E or LOS F under a no project scenario and the project adds both 10 or more peak hour trips and 5 seconds or more of peak hour delay, during the same peak hour. ➢ If an intersection operates at a very poor LOS F (control delay of 120 seconds or more), the threshold of significance shall be an increase in v/c ratio of 0.02 or more. *Note 1: County Congestion Management Programs may have guidelines which include Levels of Service that need to be addressed.*
Bicycle Facilities	➢ A project significantly disrupts existing or planned bicycle facilities or significantly conflicts with locally adopted non-automotive transportation plans, guidelines, policies, or standards.

...

Pedestrian Facilities and Americans with Disabilities Act (ADA) compliance	➢ A project fails to provide accessible and safe pedestrian connections between campus buildings and to adjacent streets and transit facilities. ➢ A project significantly disrupts existing or planned pedestrian facilities or significantly conflicts with locally adopted non-auto transportation plans, guidelines, policies, or standards.
Transit	➢ A project significantly disrupts existing or planned transit facilities and services or significantly conflicts with locally adopted transit plans, guidelines, policies, or standards.
Intersection Traffic Control	➢ The addition of project traffic causes an all-way stop-controlled or side street stop-controlled intersection to meet Caltrans signal warrant criteria.
Transportation Plan Consistency	➢ A project significantly conflicts or creates significant inconsistencies with the local jurisdiction's General Plan transportation policies or the Campus Master Plan transportation policies.
Safety	➢ Directly or indirectly cause or expose all users (motorists, pedestrians, bicyclists, and bus riders) to a permanent and substantial transportation hazard due to a new or existing physical design feature or incompatible uses.

Contrary to the University's adopted thresholds, the DEIR has failed to apply locally-adopted policies, including policies of the City's General Plan and Multimodal

Transportation Impact Study Guidelines. In particular, the traffic study and DEIR must be updated to address the following adopted City policies:

- Multimodal Transportation Impact Study Guidelines, found at http://www.slocity.org/home/showdocument?id=6029
- Transit Level of Service policy thresholds, found at: http://www.slocity.org/home/showdocument?id=6637 (See General Plan, Circulation Element, Policy 6.1.2).
- Neighborhood traffic condition policy thresholds, found at http://www.slocity.org/home/showdocument?id=6637 (City General Plan, Circulation Element, Policy 8.1.7, and Table 4). These thresholds are particularly important to evaluate potential project impacts on neighborhood speeds and volumes along Slack Street, Hathway, and Highland Drive.
- Multimodal level of service policy thresholds, found at http://www.slocity.org/home/showdocument?id=6637 (City General Plan, Circulation Element, Chapter 6, Table 4, and Appendix B). These policies apply to segments as well as intersections. However, the Traffic Study and DEIR omits a multimodal level of service evaluation of segments.

- The DEIR does not include an inventory of unrestricted off-campus parking spaces in the immediate vicinity that are available for trips to and from the University, and as a result the DEIR underestimates the volume of traffic that the Master Plan will generate. Because the number of available parking spaces is the basis for the DEIR's trip generation estimates and impact determinations, the baseline environmental setting must describe the number of available parking spaces in the vicinity of campus. The DEIR identifies areas of the City that have imposed parking restrictions near the campus, but these areas are limited and not within Cal Poly's control. It is well-known that large numbers of students, faculty, and staff park in areas surrounding the campus to avoid the costs and permitting requirements of parking on campus. Yet, the DEIR includes no analysis or quantification of these parking spaces nor of any potential increases in traffic surrounding these spaces as enrollment increases and 6,800 more students live on-campus without any new on-campus parking. The DEIR must be updated to include an assessment of the number of unrestricted off-campus parking spaces within an acceptable walking distance to campus and must recalculate estimated trip numbers to include these spaces. That assessment should also account for the possibility that additional parking restrictions may be enacted as residents seek to address new parking impactions. This would likely push parking to areas farther from campus, creating impacts to intersections not studied in the DEIR. As an alternative, the University should use a universally accepted trip generation methodology, such as one based on occupancy, rather than the chosen method based on parking spaces.

- The DEIR provides no substantial evidence to support the assertion that the new residential neighborhoods will not generate additional off-site or campus parking needs, as stated on page 200 of the DEIR. The DEIR should provide an assessment of the parking supply proposed for each residential neighborhood in comparison to demand based on the ITE Parking Generation figures.

- The DEIR does not account for trips or parking associated with the 4,000-seat expansion of Alex Spanos Stadium and the new 5,500-seat sports and event area contemplated in the Master Plan. Trip generation from either of these expansions would generate thousands of additional trips in relatively short time periods. The magnitude of additional trip generation from these expansions would create potentially significant transportation impacts even during off-peak hours. Yet the Master Plan and the DEIR neither disclose this impact nor include any mitigation measures to address this impact, such as policies or programs that would limit the use of these facilities. The DEIR must be updated to expand the traffic impact analysis section to include evaluation of the venues and events proposed in the Master Plan. The DEIR must also recommend mitigation measures to address impacts associated with the events, such as policies and programs which govern the use these facilities to ensure that roadway intersections, bike and pedestrian traffic, public transit, and parking will not be adversely impacted.

- The DEIR omits a traffic safety or queuing analysis. As a result, it is unknown whether traffic under the Master Plan will cause potential queueing or sight distance impacts, which will create new potentially significant impacts to traffic and safety not otherwise identified in the DEIR. To remedy this defect, the DEIR must be updated to include the following additional analyses:

    - Turn pocket queuing analysis to determine if there is potential queue spill back or sight distance impacts as a result of project traffic.

    - Geometric assessment of proposed roadway modifications and mitigation measures to determine if there are associated safety impacts. This is particularly important for the Slack and Grand project, for which the DEIR provides project-specific review and which requires an analysis to determine impacts to intersections in the immediate vicinity of the campus.

- The DEIR lacks substantial evidence to support its near-term traffic projections, which significantly underreport potential impacts. As indicated on pages 205-214 of the DEIR, the assumptions for calculating the background traffic in the near-term (2021) scenarios are generically described as "interpolating the existing and 2035 no project scenarios." This is an incorrect assumption. Official near-term approved and pending projects in the City far exceed this growth rate, and, as a result, the DEIR greatly underestimates near-term traffic conditions. For instance, the EIRs prepared by the City for the San Luis Ranch project and the Avila Ranch project identify a number of projects expected to be completed in the near-term and conclude that, with these projects alone, a number of intersections in the City will operate at unacceptable levels in the near-term. (See San Luis Ranch EIR, pp 4.12-3-7, 36, 42-58, and Appendix J, pp. 72-85 (found at http://www.slocity.org/government/department-directory/community-development/documents-online/environmental-review-documents/-folder-1907); Avila Ranch EIR, pp. 3.12-36-37, 75-81, and Appendix P, pp. 1-6, 46-56 (found at http://www.slocity.org/government/department-directory/community-development/documents-online/environmental-review-documents/-folder-1912).) The

DEIR must be revised to include similarly accurate near-term scenario traffic forecasts and level of service calculations, as well as mitigation to address impacts. These calculations must include the near term approved and pending projects identified in the recent San Luis Ranch and Avila Ranch EIRs.

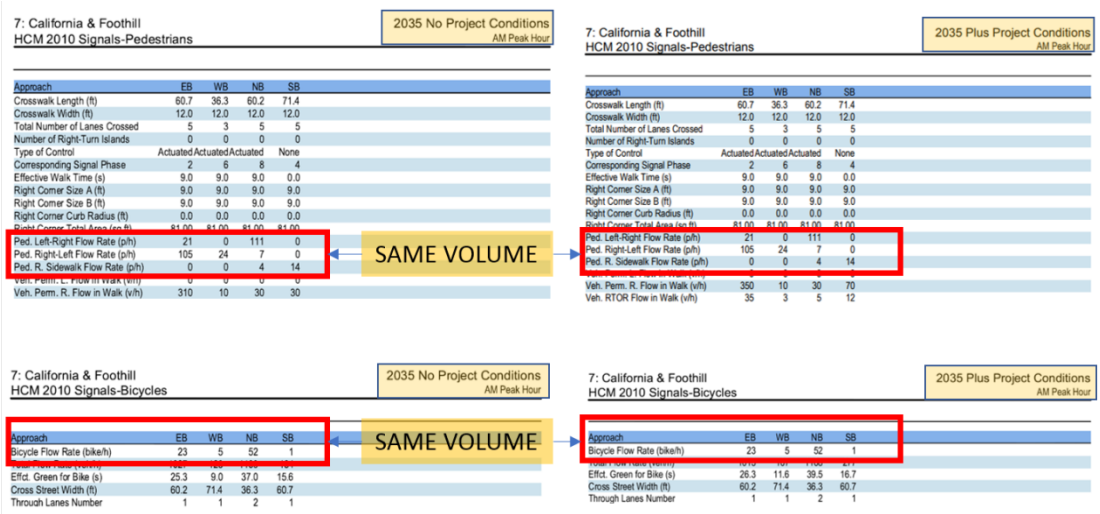
- The DEIR's 2035 Future Conditions Scenario analysis improperly assumes that a number of major infrastructure projects will be constructed by the City before 2035 without the University taking part in funding or constructing any of those improvements for which they would otherwise have a fair share obligation. (See TIS, p. 12.) In essence, Cal Poly would be getting a free ride by benefiting from improvements that it had a share in requiring but without paying any share toward fixing. Based on the level of service calculations provided, without these infrastructure improvements in place, there will be numerous additional impacts to traffic and circulation. However, the University is not incorporated into the City's Transportation Impact Fee program, which funds and implements these projects through payments made by developers within the City. As a result, Cal Poly is not otherwise required to pay its fair share for the very same infrastructure improvements that it is relying on in its traffic projections to lessen impacts of its own project. To mitigate these impacts, the following mitigation measure should be incorporated into the DEIR:

    - Prior to commencement of construction of any component of the Master Plan, Cal Poly shall pay to the City an amount equivalent to the Transportation Impact Fees that would be applicable to the project component were Cal Poly to be otherwise subject the City's Transportation Impact Fee Ordinance.

- The DEIR does not adequately study, disclose, and mitigate impacts associated with bicycle and pedestrian trips and the analysis that was conducted lacks substantial evidence to support the DEIR's conclusions concerning bicycle and pedestrian impacts. The Traffic Impact Study (TIS) and DEIR only provide project related peak hour bicycle and pedestrian trips for 4 of the 42 study intersections. (See TIS, Exhibits 35 & 36). While daily bicycle trips are provided in Exhibit 34, daily pedestrian trips are omitted altogether. Moreover, the TIS provides no bicycle or pedestrian trip generation rates. While the TIS does state that the City's travel demand model was used to forecast bicycle and pedestrian trips, the City's travel demand model is not calibrated for University pedestrian and bicycle trips, which occur at different rates than the general population. As a result, the DEIR lacks substantial evidence to support its analysis and conclusions regarding the Master Plan's impacts to bicycle and pedestrian travel. To remedy this defect, the TIS must be updated to disclose bicycle and pedestrian trip generation rates, to project specific peak hour bicycle and pedestrian trips at all study intersections, and to include a validation/calibration report for University bicycle and pedestrian trips.

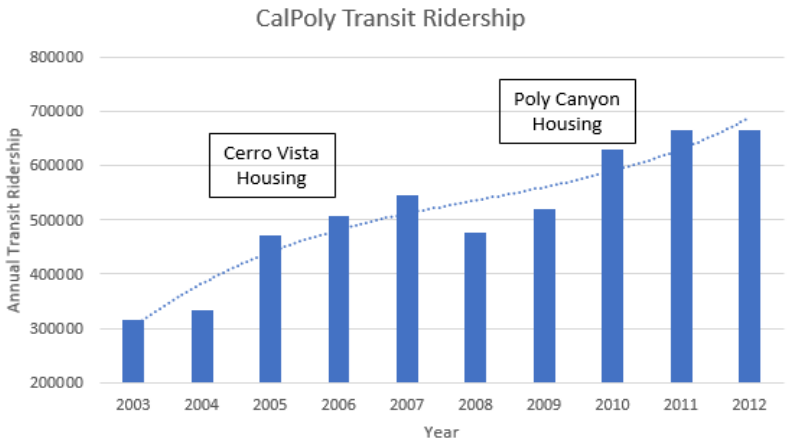
- The DEIR improperly assumes that the Master Plan will generate no new bicycle or pedestrian traffic, which is an objectively incorrect assumption that undermines the DEIR's analysis and conclusions of concerning the project's impacts on bicycle and pedestrian traffic. It is apparent that the DEIR's multimodal level of service calculations

assumes the project will generate no pedestrian or bicycle trips when the No Project and Plus Project Scenario Synchro Reports appearing in Appendices F.2, F.3, G.2, & G.3 are compared. For example, the intersection of Foothill and California excerpts below show that bicycle and pedestrian volumes are the same under both no-project and plus-project scenarios:



These calculations conflict with TIS Exhibits 35 and 36, which show project-specific pedestrian and bicycles trips at 4 intersections and daily project-specific bicycle trips depicted in Exhibit 34. It is unreasonable to assume that the proposed increase of 6,800 students living on campus will result in zero project pedestrian and bicycle trips. Therefore, the DEIR's conclusion that pedestrian and bicycle facilities will not be impacted is not valid and the DEIR fails to disclose potentially significant impacts on pedestrian and bicycle facilities. The DEIR must be updated to address these deficiencies.

- The DEIR lacks substantial evidence for its conclusion that transit trips are expected to decrease by approximately 1% overall, despite an increase of 6,800 students living on campus without cars. Contrary to this assumption, historical SLO Transit data shows that Cal Poly ridership levels increase when on-campus housing was increased as part of the Cerro Vista and Poly Canyon projects, as shown in the graph below. Therefore, the finding that transit will not be impacted is not valid and the DEIR has failed to disclose likely potential impacts on transit routes serving Cal Poly.



Source: City of San Luis Obispo Transit

It defies common sense to assume that the proposed 6,800-increase in campus population will have zero or negative impacts on transit trips. The DEIR must be updated to include transit trip generation rates as well as project trip counts for existing, near term, and cumulative scenarios on transit routes serving Cal Poly. Moreover, the DEIR does not analyze impacts to transit during off-peak hours, where load factors often exceed 90% and result in "leave behinds" on campus routes. Nor does the DEIR analyze impacts to RTA transit routes serving Cal Poly. All of this information must be included in an updated transit analysis and disclosed in the DEIR.

- The DEIR fails to properly evaluate traffic using a VMT methodology. The DEIR evaluates regional VMT based on a question posed in a 2015 university transportation survey that asked how far people travelled to and from the campus. This is not a valid methodology for forecasting VMT as established under OPR VMT CEQA Guidelines. (See http://www.opr.ca.gov/ceqa/updates/sb-743/.) Moreover, this methodology ignores the locally-adopted VMT guidelines of the City and SLOCOG, which also violates the CSU's adopted Impact Study Manual as discussed above. (See City Multimodal Transportation Impact Study Guidelines.) The DEIR's VMT must be update based on a methodology consistent with OPR guidelines such as the City or SLOCOG travel demand models.

- The mitigation measures identified for traffic impacts are inadequate for a number of reasons and require significant revisions.

    - The mitigation measures do not accurately state the City's "roundabouts first" policy nor do they identify applicable CalTrans' Traffic Operations Policy Directive ICE, which includes policy direction on the evaluation of roundabouts. To be consistent with these policies, the DEIR's mitigation measures need to be revised so that any discussion of signalization states "roundabout control, or signalization if roundabout control is determined to be infeasible." This is particularly important for MM 3.7-2 through MM 3.7-6.

- Several of the mitigation measures rely on "fair share" contribution toward infrastructure improvements, but no calculation has been made to determine what that percentage is. Moreover, the DEIR contains no evidence that the necessary non-fair share amount is programmed such that fair share payment would reasonably facilitate implementation of the mitigation measures before significant impacts occur. This is particularly problematic for MM 3.7-1, 3.7-5, and 3.7-6. Oddly, MM 3.7-7 through 3.7-9 requires the University to add lanes to segments of Highway 101 without including the qualifying language that this will be accomplished through a "fair share contribution." Instead, the DEIR simply concludes that the University cannot ensure that these measures will be implemented. In the least, the University should provide funding for the identified improvements to Highway 101 and should evaluate the effectiveness of such funding in light of CalTrans' identified planning priorities.

- A number of mitigation measures rely on agreements between the developer of a project and the University to require payment of fair share contributions or other financing of identified roadway improvements. However, the Project Description does not identify any such developers and it is unclear whether developers other than the University will be involved with all of the components of the Master Plan that will cause traffic impacts. Because the impacts are to either City or CalTrans facilities, the contribution agreements should be with these entities, not an unknown, unidentified private developer.

- MM 3.7-2, 3.7-3, 3.7-4, and 3.7-6 require only funding of improvements and do not require actual construction of improvements. Nor do these measures include deadlines or timeframes for completion of necessary roadway improvements commensurate with construction of the Master Plan. As a result, these measures do not ensure actual mitigation of identified impacts. In order to fulfill the required mitigation, Cal Poly must both fund and construct the measures. In addition, the City recommends that Cal Poly develop a detailed monitoring program, to be reviewed and agreed to by the City, that will ensure monitoring of actual traffic impacts and ensure timely and proper mitigation of impacts to City infrastructure. Otherwise, impacts to the identified intersections will remain significant, contrary to the DEIR's conclusions.

- The DEIR fails to analyze impacts that will result from the roadway improvements that are identified as being necessary to mitigate impacts from the Master Plan. CEQA requires that an EIR evaluate and disclose impacts that may potentially result from mitigation measures. (CEQA Guidelines, § 15126.4.)

- MM 3.7-4 improperly defers mitigation until development of the Slack and Grand project. For the several reasons described above, there are likely significant impacts to the Slack and Grand Avenue intersection that will result from build-out of the Master Plan, such as due to events, 6,800 new student beds, increased enrollment, and increased bicycle and pedestrian traffic, that are unrelated to the

Slack and Grand project. Therefore, this mitigation measure should be required prior to construction of these new, traffic-inducing Master Plan elements, not just for the Slack and Grand project.

- The DEIR fails to identify all feasible mitigation measures to reduce impacts associated with impacts to Highway 101. The DEIR concludes that impacts to Highway 101 will remain significant and unavoidable for the simple reason that the highway under the jurisdiction of CalTrans. However, the DEIR provides no evidence that CalTrans was consulted during the preparation of the DEIR, that CalTrans agrees that the needed improvements are unlikely to be completed even if Cal Poly provides funding for such improvements, or that there are no other measures available to Cal Poly to mitigate these impacts. A facility being under a particular agency's jurisdiction is not adequate justification for a significant and unavoidable finding. This is especially true where the needed highway improvements are identified in the jurisdiction's transportation plans, as here where CalTrans' Transportation Planning Fact Sheet identifies the same improvements in its General Recommendations.

- The DEIR improperly concludes that necessary improvements to Santa Rosa Street/Foothill Boulevard identified in MM 3.7-1 are infeasible because of right-of-way constraints. But the University has the ability to purchase and dedicate rights-of-way and the City and CalTrans have the ability to lend powers of condemnation to the University in the event additional right-of-way is needed for mitigation. Therefore, right-of-way constraints alone are not adequate justification for a significant and unavoidable finding. In the event that the University exhausts its due diligence in attempting acquisition of additional right-of-way and the City or CalTrans choose not to lend powers of condemnation, an alternative measure must be substituted.

Chapter 3.8 – Air Quality and Greenhouse Gases

The DEIR does not adequately evaluate, disclose, or mitigate impacts to air quality and greenhouse gases from the Master Plan.

- The DEIR's air quality chapter appears to rely on the CSU Sustainability Policy as providing some level of mitigation for air quality, greenhouse gas (GHG), energy use, and landfill impacts, however it provides no data concerning Cal Poly's adherence to those policies since they were adopted in 2014. As a result, the DEIR lacks substantial evidence to support a finding that the policies and goals are feasible, will be implemented, or will actually mitigate impacts associated with the Master Plan build-out.

- The DEIR fails to analyze air quality impacts associated with the anticipated wastewater treatment plant, events at the new event center and due to the increased seating capacity at Spanos stadium, or the new rodeo facilities that are anticipated near the N4 and N5 residential neighborhoods. (See DEIR, p. 136.) Each of these contemplated Master Plan projects will create specific air quality impacts, including odors, that are not addressed in the DEIR. In fact, odors are not mentioned anywhere in the DEIR. CEQA Guidelines

Appendix G establishes that significant air quality impacts occur when a project will create "objectionable odors affecting a substantial number of people." (See, CEQA Guidelines, Appendix G, §IIII(e).) Here, the DEIR states that the new wastewater treatment plan might be located somewhere in the south-western part of the campus, which is adjacent to the existing residential neighborhood of Mustang Village Apartments. The likelihood of odor impacts to these residents is high and the DEIR must evaluate this potential impact. Additionally, the DEIR must be updated to disclose and mitigate all air quality impacts associated with the wastewater treatment plant, events at the new and increased capacity event centers, and the new rodeo facility.

- The DEIR underestimates total air quality emissions that will result from the Master Plan and requires significant revision to properly evaluate and disclosed impacts.

    - The DEIR estimates air quality impacts based on 22,500 FTE students. (DEIR, p. 240.) However, this metric is improper for all of the reasons stated under the General and Overarching Problems section above.

    - There is no evidence that the DEIR included increases in faculty, staff, and visitors to the campus in its analysis of air quality impacts. Chapter 3.8 repeatedly references the estimated 22,500 FTE enrollment, but does not indicate that any numbers were included for increases in staff and visitors that will result from the increased enrollment. Appendix F includes no information as to the numbers used for the inputs into the CalEEMod model. Therefore, the DEIR lacks substantial evidence that it has properly quantified air quality impacts associated with build-out of the Master Plan.

    - The DEIR appears to assume that growth in enrollment will occur gradually, but there are no policies or programs in the Master Plan or the DEIR assuring that this assumption is correct. (See DEIR, p. 240.) As a result, the DEIR's analysis of air quality impacts artificially reduces air emissions by spreading them out over time without sufficient evidence that this will actually occur. As described in the General and Overarching Problems above, it is reasonable to assume that significant short-term increases in enrollment will occur under this Master Plan in the same manner as it has been occurring in the recent past. The DEIR must be revised to evaluate impacts from a reasonable worst-case scenario under which enrollment increases over a short period of time.

    - The DEIR has significantly underestimated impacts associated with mobile emissions, making the surprising conclusion that a Master Plan that increases the campus by more than 1 million square feet, increases enrollment by more than 5,000 and increases the number of faculty and staff by more than 800 will actually reduce mobile emissions. (DEIR, p., 241; Master Plan, p. 2-23.) As discussed under the Traffic and Circulation chapter above, the DEIR uses an inappropriate methodology for estimating numbers of trips that will result from build-out of the Master Plan, resulting in a significant underestimation of trips. Moreover, even

under this flawed methodology, the DEIR has underestimated trips by at least 30% when parking occupancy is taken into account. As a result, the DEIR also underestimates air quality impacts by at least 30%. Additionally, there is no evidence that the mobile emissions estimates include any emissions from increases in transit. The Master Plan contemplates housing 6,800 students on campus and precluding those students from parking cars on campus. Those students must, therefore, be presumed to use public transit to travel off-campus for activities such as jobs, research at Cal Poly's off-campus facilities like those in Avila Beach, grocery shopping, and entertainment. It does not appear that the DEIR included emissions associated with these trips in its evaluation of air quality impacts. The air quality analysis must be updated to include accurate trip count estimates and their resulting mobile emissions.

- The DEIR lacks substantial evidence that it properly estimated short-term construction impacts. The DEIR states that "[t]he construction emissions analysis was conducted based on the scenario with a year with the high construction activities that accounts for a potential overlap in some constriction activities associated with development of the initial facilities within the first 5 years of the Master Plan, including the Slack and Grand Residential Neighborhood, new student housing, University Union renovation and expansion, and other academic and support facilities." (DEIR, p. 243.) This description is vague and neither the DEIR nor Appendix F provide evidence of exactly which Master Plan projects were assumed would be constructed at the same time. The DEIR lists 15 different projects that will constructed in the next five years, amounting to more than 785,700 square feet of new or expanded development, not including the 2,500 beds of new student housing or the Slack and Grand project. It is unclear whether the DEIR assumed that all of these projects would be constructed at the same time, which would likely constitute the reasonable-worst-case scenario. The DEIR must be updated to provide substantial evidence that it properly evaluated short term construction impacts to air quality.

- The DEIR does not disclose exceedances of construction emission thresholds for daily and Tier 2 quarterly ROG and NOx or for daily and Tier 2 quarterly Diesel Particulate Matter (DPM). The APCD Guidelines (page 2-2) provide the following thresholds of significance for construction emissions:

Table 2-1: Thresholds of Significance for Construction Operations

Pollutant	Threshold[1]		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG + NO_x (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter (DPM)	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM_{10}), Dust[2]		2.5 tons	
Greenhouse Gases (CO_2, CH_4, N20, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions (See Below)		

1. Daily and quarterly emission thresholds are based on the California Health & Safety Code and the CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5 ton PM_{10} quarterly threshold.

The APCD further explains that "[m]itigation of construction activities is required when the emission thresholds are equaled or exceeded by fugitive and/or combustion emissions:

ROG and NOx Emissions

- Daily: For construction projects expected to be completed in less than one quarter (90 days), exceedance of the 137 lb/day threshold requires Standard Mitigation Measures;
- Quarterly – Tier 1: For construction projects lasting more than one quarter, exceedance of the 2.5 ton/qtr threshold requires Standard Mitigation Measures and Best Available Control Technology (BACT) for construction equipment. If implementation of the Standard Mitigation and BACT measures cannot bring the project below the threshold, off-site mitigation may be necessary; and,
- Quarterly – Tier 2: For construction projects lasting more than one quarter, exceedance of the 6.3 ton/qtr threshold requires Standard Mitigation Measures, BACT, implementation of a Construction Activity Management Plan (CAMP), and off-site mitigation.

Diesel Particulate Matter (DPM) Emissions

- Daily: For construction projects expected to be completed in less than one quarter, exceedance of the 7 lb/day threshold requires Standard Mitigation Measures;
- Quarterly - Tier 1: For construction projects lasting more than one quarter, exceedance of the 0.13 tons/quarter threshold requires Standard Mitigation Measures, BACT for construction equipment; and,
- Quarterly - Tier 2: For construction projects lasting more than one quarter, exceedance of the 0.32 ton/qtr threshold requires Standard Mitigation Measures, BACT, implementation of a CAMP, and off-site mitigation."

(APCD Guidelines, p. 2-2.)

Therefore, it is clear from the APCD Guidelines that NOG/RO_x and DPM construction emissions may be subject to three different thresholds, depending on whether construction is anticipated to take more than one quarter. Here,

construction of the Master Plan will assuredly take over one quarter to complete. At least 15 different construction projects are anticipated during the first 5 years of the Master Plan alone, and the Slack and Grand project is expected to take at least 42 months for construction. (DEIR, pp. 24-25, 28.) The Master Plan is, therefore, subject to both Tier 1 and Tier 2 thresholds for ROG/NOx and DPM, but the DEIR does not analyze impacts under the Tier 2 thresholds. Nor does the DEIR identify daily construction emissions or compare those emissions to the APCD's thresholds. As a result, the DEIR has failed to identify a number of significant air quality impacts associated with construction emissions. The DEIR must be updated to analyze and disclose these impacts and to incorporate the numerous mitigation measures included in the APCD's Guidelines to address these impacts.

- Because the DEIR supplies insufficient evidence to support its estimates for short-term construction impacts, it also contains insufficient evidence to support its operational emission estimates of GHGs. As stated on page 244 of the DEIR, "emissions from peak construction year was added to total operational emissions for project GHG emissions" to estimate total operational GHGs resulting from the Master Plan. Without substantial evidence to support the peak construction emission estimates, the DEIR's estimates for operational GHGs also lacks substantial evidence.

- The DEIR lack substantial evidence to support the use of service population thresholds of significance for measuring impacts from GHGs. The APCD's Guidelines indicate that service population is calculated using the number of residents plus the number of employees. The Master Plan contemplates an assortment of uses that includes school facilities, plus student and non-student housing, plus associated employees. It is unclear that these uses can be appropriately fit into a service population calculation. Moreover, the DEIR claims that the service population threshold is more appropriate than the gross square footage calculation because it "reflects efficiencies associated with increased density, such as reduced trips," and it "is a more representative metric"; however, the DEIR lacks citation to any evidence to support these claims. Given that the difference between the impact determinations based on the two thresholds is significant (total GHG emissions based on square footage will exceed threshold by more than 15,000 MT per year, whereas the service population threshold will not be exceeded at all), this lack of substantial evidence is particularly troubling.

- The DEIR underestimates the service population used to estimate GHG emissions and thereby underreports GHG impacts. The DEIR states that the service population was "assumed to be 22,500 FTE students + 3,088 residents." Moreover, the DEIR's estimates are inconsistent with the APCD's Guidelines for use of a service population threshold. The APCD's Guidelines state that the "service population" is equivalent to residents plus employees. (APCD Guidelines, p. 3-6.) The Master Plan includes an increase in enrollment by more

than 5,000 students, up to 6,800 new beds for student housing, 1,470 new non-student housing units, and more than 900 more faculty and staff. In addition, the Master Plan will draw more visitors to the campus through the use of new and increased capacity events centers. It does not appear that the DEIR included these components of the service population in its estimates of GHG emissions.

- The DEIR does not disclose the recommendation in the California Air Resources Board's Draft Scoping Plan, which responds to SB 32, that new projects create net zero GHG emissions, such as was done with the Newhall Ranch project and would be required here.

- The DEIR does not disclose the negative effects of ROG of NO_x exceedances, which is required of an adequate CEQA document. Under CEQA, an EIR that identifies significant impacts to air quality must also explain how those impacts correlate to effects on human health. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219–20 (EIR identifying significant ROG and NO_x impacts improperly excluded information regarding health effects of these exceedances); CEWA Guidelines, §15126.2.) The DEIR does not do this here and should be updated to provide this information to ensure informed decision-making and public disclosure.

- The DEIR does not include a health risk assessment nor any evidence that a health risk assessment is unnecessary under APCD's screening criteria. As stated in the APCD's Guidelines, a "screening-level and/or refined health risk assessment (HRA) may be required for projects which may result in the exposure of sensitive receptors (e.g., school, hospital, dwelling unit(s), etc.) to TACs [toxic air contaminants]. *Projects which involve the siting of either the TAC source itself or sensitive receptors in close proximity to a TAC should be evaluated for risk exposure*." (APCD Guidelines, p. (emphasis added).) This project involves the siting of sensitive receptors in areas surrounding an existing rail line and a state highway, which have the potential to expose receptors to toxic air contaminants. Additionally, the APCD Guidelines state that "a project that generates high levels of construction emissions, including diesel PM, may be required to perform a health risk assessment to evaluate short-term exposures to high pollutant concentrations and, if necessary, to implement mitigations measures." (APCD Guidelines, p. 2-1.) The DEIR estimates that this project will generate more than eight times the quarterly threshold for diesel PM, indicating that a health risk assessment may be necessary. (DEIR, p. 244.) Health risk assessments are important because they identify increased risks of cancer to individuals in the surrounding area that may be caused by a project. (APCD Guidelines, p. 1-6.) The DEIR should evaluate and provide evidence of whether a health risk assessment is necessary here and, if so, what that assessment concludes.

- The DEIR fails to provide substantial evidence that the Master Plan is consistent with the APCD's Clean Air Plan (CAP). Rather, the DEIR simply asserts that the Master Plan is consistent with the CAP without providing any evidence that the policies, programs, and requirements of the CAP have been evaluated individually. The DEIR should be updated to provide a table that identifies all applicable CAP policies and standards and explains

why the Master Plan is consistent with each. Without this information, there is no evidence that the Master Plan will not exceed or violate the thresholds of significance identified in the DEIR. As stated on page 238 of the DEIR, the identified CEQA thresholds of significance require the University to "comply with applicable federal, state, and local laws and regulations related to environmental protection and pollution control" and to "implement transportation control measures consistent with its Trip Reduction Plan in response to the San Luis Obispo County Air Pollution Control Board's Clean Air Plan." Again, the DEIR contains insufficient evidence that these thresholds have been met and it must be updated to disclose this information.

- The DEIR appears to rely on renewable energy projects to reduce air quality impacts without providing any analysis of impacts that may result from those projects. (See DEIR, p. 245, 343.) For instance, wind energy projects create impacts to biological resources, particularly birds, and aesthetic resources, but the DEIR does not analyze these impacts in any respect.

- The DEIR repeatedly attempts to minimize impacts associated with the planned 1,470 new housing units by arguing that the housing will reduce mobile emissions by enabling people who currently commute to San Luis Obispo to relocate to these housing units, which will bring them in closer proximity to their places of employment. However, the DEIR provides no data or evidentiary support any assumptions that the housing units will actually reduce mobile emissions in this fashion. Moreover, the DEIR lacks evidence to support its assumptions that faculty and staff will actually relocate to these units. As indicated in the City's General Plan, housing for faculty and staff should be provided in the form of low-density single-family residences, likely because these are the types of units that faculty and staff demand. (See City General Plan, Housing Element, Policy 10.2; DEIR p. 286.) None of the housing planned under the Master Plan would provide single-family residences. Therefore, there is no evidence that the new housing units will actually reduce numbers of commuters to the campus or to the City.

- The DEIR identifies insufficient mitigation measures to reduce impacts to air quality.

    - The APCD Guidelines provide a list of potential mitigation measures that may be used to mitigate air quality impacts but that the DEIR inexplicably does not include. The Guidelines also states "[p]rojects generating 50 lbs/day or more of combined ROG + NOx or PM10 emissions should select and implement all feasible measures from the list. Further mitigation measures may also be necessary, including off-site measures, depending on the nature and size of the project and the effectiveness of the mitigation measures proposed; and, …[p]rojects generating 25 tons per year or more of combined ROG + NOx or PM10 emissions will need to implement all feasible measures from the list as well as off-site mitigation measures, depending on the nature and size of the project and the effectiveness of the onsite mitigation measures proposed." (APCD Guidelines, p. 3-16.) The Master Plan triggers each of these requirements. The DEIR estimates that the Master Plan will emit 157.8 pounds of ROG and NO_x per

day and 55.47 pounds of PM_{10} per day, even without the full scope of emissions calculated as discussed in the comments above. (See DEIR, p. 242.) Operational emissions of ROG and NO_x will likewise reach 28.62 tons per year. (*Id.*) As a result, the Master Plan must implement all feasible on-site measures as well as off-site measures to reduce impacts in accordance with the APCD's Guidelines. But the APCD Guidelines include a number of on-site and off-site mitigation measures that the DEIR does not mention. (See APCD Guidelines, Table 3-5, pp. 3-17 through 3-20, and pp. 3-21 through 3-22.) Similarly, the DEIR contains no substantial evidence that these measures that were excluded are infeasible. Under CEQA, if an identified mitigation measure is rejected as infeasible, that finding of infeasibility must be made by the lead agency at the time the EIR is certified and must be supported by substantial evidence. (Pub. Res. Code §21081(a); CEQA Guidelines, §15091(a)(3), (b); *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2005) 130 Cal. App. 4th 1491.)

- Similarly, the DEIR fails to identify all applicable mitigation measures for addressing air quality impacts from construction. As described above, the DEIR does not identify all impacts associated with construction-related emissions as required under the APCD's Guidelines. Nor does the DEIR incorporate the numerous and varied mitigation measures required under the APCD's Guidelines to mitigate these impacts. (See APCD Guidelines, pp. 2-6 through 2-10.) For instance, APCD Guidelines prohibit idling of diesel engines within 1,000 feet of sensitive receptors, but the most closely analogous measure included in the DEIR requires staging and queuing areas to be located "as distant as possible from sensitive receptors," which is vague, unenforceable, and unsupported by substantial evidence. (APCD Guidelines, p. 2-7; DEIR, p. 253, MM 3.8-22.) Each of the mitigation measures identified on pages 2-6 through 2-10 of the APCD Guidelines must be incorporated into the DEIR and imposed as part of the Master Plan. As discussed above, if certain measures will be rejected because they are infeasible, that finding must be explicitly made by the lead agency at the time the EIR is certified and supported by substantial evidence.

- The majority of identified mitigation measures include vague language that undermines the effectiveness and reliability of the measure. For instance, the following measures include phrases such as "to the extent feasible" or "as possible": 3.8-3, 3.8-8, 3.8-10, 3.8-18, 3.8-19, 3.8-21, 3.8-22, 3.8-24, 3.8-24, 3.8-25, 3.8-26, and 3.8-27. As discussed above, findings of infeasibility must be made at the time of certification of the EIR and must be based on substantial evidence. The DEIR does neither. Therefore, this language should be deleted from the mitigation measures.

- The DEIR lacks substantial evidence to support its conclusions regarding the air quality impacts that will remain following implementation of mitigation measures. As discussed above, the mitigation measures that are included in the DEIR are largely unenforceable and cannot be relied upon to actually mitigate impacts. In additional, there is no evidence

to support the emission estimates provided in Tables 51-54. The DEIR does not impose the full suite of mitigation measures required under the APCD Guidelines and therefore cannot rely on the post-mitigation assumptions provided in the APCD's models. Nor do any of the measures that are included require emissions to be reduced by any particular amounts, to any specific levels, or in accordance with any quantifiable or verifiable standard. Therefore, the DEIR includes insufficient evidence to support its conclusions regarding impacts to air quality resulting from the Master Plan as a whole or the Slack and Grand project in particular.

- The DEIR does not properly disclose cumulative GHG or construction-related emission impacts. While the DEIR concludes that these cumulative impacts will be significant and unavoidable, no attempt is made to quantify the cumulative emissions. In order to fulfill its information disclosure requirements, the DEIR must provide the estimated cumulative GHG and construction-related emissions and include any additional mitigation measures that may minimize these impacts. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564-565 (*Goleta II*).)

Chapter 3.9 – Noise

The DEIR does not provide substantial evidence to support its analysis, mitigations, or conclusions regarding potential noise impacts.

- The DEIR lacks substantial evidence to support the thresholds of significance established for noise impacts. As referenced in Chapter 3.9, the City's General Plan contains thresholds of significance for noise impacts that may result from development of a new project. Those thresholds set acceptable levels of CNEL at 60 dBA for residential exterior areas and 45 dBA for residential interior areas. (DEIR, p. 265.) The City also limits nighttime noise levels to 50 dBA in general and 45 dBA for repetitive noise such as music, speech, televisions, and power tools. (DEIR, p. 265.) These thresholds take into account the geographic circumstances and expectations of the San Luis Obispo area. But the DEIR inexplicably chooses to ignore these locally-adopted thresholds and instead establishes thresholds based on the Federal Interagency Committee of Noise. (DEIR, p. 266.) These significance criteria are less conservative and allow noise levels to reach much higher limits before they would be deemed significant. The DEIR provides no evidence to support its decision to use such relaxed thresholds. Therefore, the DEIR lacks substantial evidence to support its noise impact determinations.

- The DEIR lacks substantial evidence to support its measurements of baseline and plus-project noise impacts. The DEIR does not contain a noise study, noise modeling, or other evidence that the baseline or project-related noise measurements comply with industry-accepted practice. Moreover, Figure 47 identifies the locations at which noise measurements were taken, but that figure shows that existing residential areas such as Mustang Village Apartments were improperly excluded from the study area. This residential neighborhood is likely to suffer from increased noise at the expanded Spanos Stadium and by the wastewater treatment plant planned for the adjacent areas. Yet no

measurements were taken to quantify potential impacts to these areas. The DEIR needs to be updated to evaluate this additional, potentially-significant impact and to provide evidence to support the noise estimates included throughout Chapter 3.9.

- The DEIR underestimates impacts resulting from increased traffic noise because the DEIR also underestimates the numbers of trips that the Master Plan will generate. Moreover, the DEIR does not quantify any operational trips associated with increased delivery trucks, which are likely to increase significantly with the addition of 6,800 more residents to the campus. Trucks generate much higher levels of noise than ordinary passenger cars, but the DEIR has not accounted for this source of increased noise.

- The DEIR lacks substantial evidence to support its determinations that cumulative impacts at certain road segments will be insignificant. It is impossible to determine whether the DEIR identified an appropriate list of projects in its cumulative impact analysis or properly estimated the noise levels anticipated to be generated from those projects. Therefore, the DEIR lacks substantial evidence for all cumulative and projected future noise levels and its resulting impact determinations.

- The DEIR does not properly account for noise that will be generated from certain project-components.

    - For instance, the DEIR does not discuss the noise that may be generated from the new wastewater treatment plant, which is anticipated to be located adjacent to the Mustang Village Apartments.

    - Nor does the DEIR address noise impacts to residential neighborhoods surrounding the new residential developments contemplated under the Master Plan. Instead, the DEIR improperly concludes that the noise levels will be similar to existing levels because both uses will be residential in nature. However, each of the new Master Plan residential developments will be multi-family whereas the existing neighborhoods surrounding these developments are largely single-family residential. The increase in population in these areas alone will increase noise impacts. Therefore, the DEIR must evaluate potential impacts from these new noise sources.

    - Importantly, the DEIR does not attempt to quantify impacts associated with increased noise from the additional 4,000 seats at Spanos Stadium. It is not enough to simply call the potential impact significant and unavoidable – the impact must be quantified, disclosed, and mitigated to the maximum extent feasible. (See Pub. Res. Code §21002.1(b).)

    - The DEIR must quantify and disclose anticipated impacts to nearby sensitive receptors from construction equipment. As indicate in Table 58, several pieces of heavy equipment that may be used for construction of the Master Plan emit noise of up to 85 dBA. These machines will exceed even the Federal Interagency Committee on Noise thresholds identified in the DEIR, yet the DEIR makes no

attempt to quantify total impacts on the surrounding neighborhoods. The Slack and Grand project is located adjacent to a school, but the DEIR does not disclose the anticipated noise levels that the school will experience during construction. Construction noise impacts are particularly concerning because of the large scale of contemplated construction projects planned under the Master Plan as well as the long time frame over which construction will occur. These impacts must be quantified, disclosed to the public, and mitigated to the maximum amount feasible.

- The DEIR does not properly disclose noise impacts that expected to remain following implementation of mitigation. While the DEIR concludes that noise impacts will remain significant and unavoidable after mitigation, it makes no attempt to quantify these remaining impacts as required under CEQA.

- The DEIR provides no analysis of impacts to wildlife from noise generated under the Master Plan. A number of significant and unavoidable noise impacts have been identified, but the DEIR does not evaluate or disclose how these significant noise sources may adversely impact protected species. The biological resources section should be updated to account for these impacts.

- The DEIR identifies inadequate mitigation measures to address noise impacts.

  - The DEIR fails to identify a number of possible mitigation measures to address significant noise impacts from increased seating capacity at Spanos Stadium. For instance, hours of operation could be curtailed to limit noise during nighttime hours. The University could institute a protocol for notifying the City and neighboring residences prior to large and significant noise producing events, such as fireworks shows. These and other measures should be implemented to minimize impacts even if they do not reduce impacts to levels of insignificance.

  - The majority of identified mitigation measures include vague language that undermines the effectiveness and reliability of the measures. For instance, the following measures include phrases such as "wherever possible," "as feasible," or "as practicable": 3.9-2, 3.9-4, 3.9-5, 3.9-6, and 3.9-8. As discussed above, findings of infeasibility must be made at the time of certification of the EIR and must be based on substantial evidence. The DEIR does neither. Therefore, language such as "wherever possible," "as feasible," or "as practicable" should be deleted from the mitigation measures. Additionally, MM 3.9-7 should be revised to identify the minimum amount of noise reduction that must be achieved in order to ensure that the adjacent school will not experience significant noise impacts. The measure should also be updated to identify specific "commonly use noise attenuation measures" so that the measure will be enforceable to the maximum amount feasible.

  - The DEIR fails to identify a number of potential mitigation measures to address significant construction noise impacts. For instance, temporary sound walls may

be erected, noise baffling equipment may be installed, or different construction methods may be used, such as boring rather than pile driving, to minimize impacts. These measures should be incorporated into the DEIR and imposed as enforcement mitigations.

Chapter 3.10 – Population and Housing

The DEIR does not provide substantial evidence to support its conclusions regarding the Master Plan's potential impacts on population and housing.

- The DEIR improperly estimates impacts to population and housing by using artificially low projected enrollment numbers. As discussed in the General and Overarching Problems discussion above, the DEIR underestimates potential enrollment numbers under the Master Plan. Additionally, Table 64 includes housing and enrollment projections that are inconsistent with the project description and remainder of the DEIR. This table estimates that in 2035 there will be a total of 23,811 students, with 15,000 living on campus and 8,811 living off campus. Likewise, the DEIR states that on-campus population will increase 1.25% annually but provides no evidence to support this conclusion. This growth rate is also inconsistent with the assumption that 2,500 new student housing beds will be constructed within the first 5 years of the Master Plan, as described in the Project Description. The DEIR lacks evidence to support these figures.

- Similarly, the DEIR's estimated population and housing impacts rely on an assumption that students choose to live in the anticipated new on-campus dorms, but there are no assurances provided in the Master Plan that students will be required to occupy these dorms. Nor does the Master Plan provide any guarantees that new student housing will be constructed before enrollment increases. Each of these issues will increase potential impacts to housing in the City.

- The DEIR's incorrectly states that 3,164 out of 13,756 students who live off campus live within the City and the remainder commute to campus from other parts of the county. The DEIR provides insubstantial evidence to support this estimated 3,164 student City-residents and it strains credulity that such evidence exists. As the DEIR later states, "[t]he majority of the students live off campus in single-family or multi-family rental units in the City of San Luis Obispo." (DEIR, p. 281.) Additionally, the DEIR acknowledges that a significantly higher percentage of housing units in the City are renter-occupied when compared to the rest of the county or state, and a significantly higher percentage of occupancy by non-family households. (DEIR, pp. 280-281.) These facts indicate that a large percentage of the City's housing stock is occupied by Cal Poly students. The DEIR should be updated to accurately reflect this reality.

- The DEIR inaccurately describes the new housing units planned under the Master Plan as "affordable" when no provisions included in the Master Plan or in the DEIR will operate to ensure that the housing is actually provided at affordable rates. For instance, there is no indication that the units will be deed restricted or will carry enforceable covenants

requiring that the units are rented at affordable rates. As the DEIR hints at the possibility that the housing projects will be constructed by private developers, there are no limits placed on the costs of construction or on the future rents that will need to be charged to cover those construction costs. It is, therefore, improper for the DEIR to describe the planned housing units as "affordable."

- The DEIR does not sufficiently estimate potential cumulative impacts to population and housing. The DEIR does not disclose the population and housing projections included in the City's General Plan, nor does it provide any analysis of the Master Plan's potential impacts on those projected numbers. This information is necessary for a proper cumulative impact analysis under CEQA.

Chapter 3.11 – Public Services and Recreation

The DEIR does not properly evaluate, disclose, and mitigate impacts to public services and recreation.

- The DEIR inaccurately describes existing fire and paramedic services and requires the following clarifications:

    - The City Fire Department (SLOFD) provides paramedic-level services with three and four-person staffed crews, as well as ladder-truck operations, critical to Cal Poly's multistory buildings. By comparison, Cal Fire's closest fire stations to the Cal Poly campus are staffed with two-person crews, do not provide paramedic-level services, and do not have a ladder-truck.

    - The SLOFD operates four stations with 57 authorized full-time employees, not 52 as stated in the DEIR, and has a Total Response Time (TRT) goal of 7 (not 4) minutes to 90% of all emergency incidents of significant risk to warrant the use of lights and sirens during response. TRT is a sum total of three components that begins with receipt of a report of an emergency to the City Emergency Communications Center (ECC) and ends with the arrival of the first emergency response crew at the dispatched incident location. The three components of TRT include: 1.) Call Processing Time (1-minute completion goal); 2.) crew Turn Out Time (2-minute goal); and 3.) Travel Time (4-minute goal). SLOFD stations are strategically located throughout the city to provide the most efficient fire protection coverage (Figure 53) based on the 4-minute Travel Time goal. Many factors influence Travel Time including but not limited to road size, configuration, and topography; posted speed limits; vehicle, bike and pedestrian traffic; traffic calming features; stop lights and signs; intersections; and activity in and around the roadway. Cal Poly is one of the more challenging transportation networks to negotiate in the SLOFD's efforts to maintain its rapid response goals.

    - SLOFD Fire Station 2 is the City Fire Station located closest to campus and when the crew at Fire Station 2 is not assigned to an emergency incident, the crew of Fire Station 2 provides first response to Cal Poly in the event of a fire occurring

within the Service Area on campus. Fire Station 2 is located at 126 North Chorro Street, approximately 0.5 mile southwest of campus. The campus is also served by:

- SLOFD Fire Station 1, which is located at 2160 Santa Barbara Avenue, approximately two miles south of campus;
- SLOFD Fire Station 3, which is located at 1280 Laurel Lane, approximately 3 miles south of campus; and
- SLOFD Fire Station 4, which is located at 1395 Madonna Road, approximately 4 miles west of campus.

- SLOFD Fire Station 2 has a Travel Time of approximately 2 to 2.5 minutes, followed by Station Fire 1 with a response time of 4 to 5 minutes, not 3 to 3.5 minutes as stated in the DEIR. These response times reflect the time required to access the south ends of the Campus Core. Response times to buildings north of the football field and the Administration building are longer, which the DEIR does not acknowledge. This will affect response times to the new residential development (N5) planned for the northern most portion of the campus.

- Emergency response Travel Times are estimated to be between 0 and 8 minutes, not 5 minutes as stated in the DEIR, for the developed portions of campus. This increases to approximately 5 to 15 minutes, not 10 minutes as stated in the DEIR, for undeveloped hillsides.

- The automatic aid agreement between SLOFD and Cal Fire is only for predesignated regions, which does not include the Cal Poly campus. It is also important to note that automatic aid resources from the non-primary response agency as sent in addition to resources from the primary response agency. The primary response agency maintains responsibility for the incident. For example, when SLOFD provides automatic aid north of the City boundary to an area where Cal Fire is responsible for primary response, Cal Fire resources are still dispatched and ultimately responsible for emergency incident mitigation. The DEIR does not analyze these impacts.

- The SLOFD Fire Prevention Bureau and SLOFD Fire Marshal prefer to participate in the design process for new structures on the Cal Poly campus. This collaborative relationship enhances the ability of SLOFD to provide life and property saving services to these structures.

- It is important to note that Cal Fire's service to the proposed Slack and Grand residential neighborhood was based on the premise that this area of the campus was outside the City and undeveloped wildland. Assuming responsibility for emergency incident response to this developing area is not changed, the residents of the Slack and Grand residential neighborhood will not receive paramedic and

fire suppression services from SLOFD. The DEIR incorrectly states that potential impacts to fire services to the Slack and Grand project are the same as those for the remainder of the Master Plan. (DEIR, p. 315-316.) The DEIR should be updated to accurately reflect Cal Fire as the fire service provider to this project and to identify Cal Fire's anticipated level of service.

- The DEIR misrepresents conversations with the SLOFD regarding the need for new fire/life safety personnel and facilities. Contrary to what is stated in the DEIR, the SLOFD Fire Chief explicitly told the University's representatives that the Master Plan will cause significant impacts to fire services and that the Master Plan will require a new satellite Fire Station on campus and increased staffing to mitigate these impacts. This is a significant misrepresentation of fact that must be remedied in a recirculated DEIR.

- The DEIR significantly underestimates impacts to fire services that will result from development of the Master Plan:

  - The DEIR does not acknowledge or mitigate for fire and emergency response service impacts due to construction activities, which have been attributed to accidental ignition of fires and serious traumatic injuries to workers. Although it is possible that MM 3.11-3 is intended to address these impacts, the DEIR does not otherwise evaluate and disclose impacts to fire safety that may result from construction.

  - The SLOFD Fire Chief specifically advised Cal Poly that development of structures that move population center of campus activity further north will have a direct negative impact on Total Response Time to emergencies on campus and will have a domino effect of negatively impacting Total Response Times in the City. To remedy these impacts, the SLOFD Fire Chief recommends the inclusion of a new satellite Fire Station on the Cal Poly campus. Staffing of this new Fire Station might be able to follow an alternative staffing model based on the premise that, since the vast majority of calls for service to the campus are for emergency medical incidents, fire suppression resources may continue to be made available to the campus from the existing and future SLOFD fire stations located off campus, whereas the new station on campus could be staffed with two SLOFD paramedics operating from a smaller rescue-type vehicle. This is just one option that would require a full evaluation and vetting through SLOFD and Cal Poly. Moreover, the DEIR makes no mention of a possible new fire station even though one would be necessary to serve build-out of the Master Plan. The DEIR must be updated to identify this significant impact and the potential mitigation measures discussed above. The location of the fire station will need to be incorporated into the Master Plan and the DEIR must evaluate any environmental impacts associated with the development of that station. Additionally, the DEIR should acknowledge that this new significant impact and potential mitigation measures would require an amendment to the existing fire service agreement between the

City and Cal Poly. It is, therefore, clear that the City is a responsible agency for this project and the DEIR should be updated to identify it as such.

- The DEIR does not adequately evaluate and describe potential impacts to emergency response times that will result from increased traffic associated with operations, construction, or events contemplated under the Master Plan. The DEIR acknowledges that, during construction, "workers traveling to and from the campus could result in increased congestion on nearby streets, which could affect fire and emergency response times." (DEIR, p. 310.) But as described in detail in the City's comments on the Traffic and Circulation chapter above, the DEIR significantly underestimates traffic associated with the Master Plan. As a result, the DEIR also underestimates impacts to emergency response times that will be caused by significant traffic impacts. Moreover, the DEIR relies on the idea that construction of the Master Plan will be phased to mitigate delayed emergency response during construction, but neither the Master Plan nor the DEIR ensures that construction will actually be phased. The reality is that construction of any or all Master Plan components may occur at any time and all at once because no phasing plan or schedule has been provided. Additionally, the DEIR relies on a mitigation measure that would require notification to emergency responders of construction as it occurs, but notification itself does not mitigate impacts to emergency response times. If construction work is blocking ingress or egress for responders, notification will not unblock the ingress or egress or provide any form of actual relief to avoid the blockages. It is likely, then, that impacts to emergency response times will remain significant and unavoidable without further mitigation.

- The DEIR does not properly evaluate and disclose impacts to fire and emergency response associated with taller and larger buildings on campus. Although it is fine to assume that all buildings will be designed to meet fire and life safety requirements, the actual improvements and services that will be necessary to ensure that those requirements are met have not been evaluated at all in the DEIR. (See DEIR, pp. 310-311.) For instance, taller buildings will require higher levels of water pressure to ensure adequate fire flows as well as more complicated fire engine access to ensure that emergency responders can access the higher floors. Yet the DEIR does not identify, quantify, or even require future study and mitigation measures to address the impacts to emergency services or to water supplies associated with these needs. The DEIR must be updated to address these potentially significant impacts.

- The DEIR does not properly evaluate and disclose impacts associated with the level of service anticipated to be provided by Cal Fire to the Slack and Grand project. The proposed Slack and Grand Residential Neighborhood (N1) is located within an undeveloped area of campus. Based on the service area associated with the current fire service agreement with the City, the N1 development would receive fire protection services from Cal Fire, which would mean Fire Department

emergency response services would not come from the closest resources nor would this service include paramedic advanced life support care. As a result, potential fire service impacts associated with the Slack and Grand project are different from those described for the remainder of the Master Plan, contrary to what is stated in the DEIR. (DEIR, p. 315-316.) The DEIR needs to be revised to address this reality and to disclose and mitigate associated impacts.

- The DEIR does not analyze potential impacts associated with needed increases in police services and facilities.

    - The DEIR does not properly evaluate and disclose impacts resulting from needed University Police personnel, facilities, or security improvements. The Master Plan contemplates increasing the student population on campus by 6,800. It also plans to increase capacity for events by at least 9,500 seats, which will significantly increase temporary visitor and student populations on campus for an unknown number of days each year. (See DEIR, p. 14.) It is, therefore, likely that additional police personnel and facilities will be needed to ensure the safety of this large increase in population, including during events. The DEIR's conclusions to the contrary lack substantial evidence. Nor does the DEIR provide any analysis of the environmental impacts that new police facilities and personnel will cause. Moreover, without increased University Police personnel and facilities, impacts to the City Police Department and its facilities will increase. As indicated in the September 11, 2017 letter from City Manager Katie Lichtig to Dr. Jeffrey Armstrong, Cal Poly President (attached as Exhibit C), the recent increase in enrollment of 1,000-1,200 students for the 2017/18 school year is anticipated to require two additional Student Neighborhood Assistance Program (SNAP) employees and an additional Code Enforcement employee at the City alone. (See September 11, 2017 Letter attached as Exhibit C.) If the City faces these impacts from an unexpected enrollment increase of 1,000-1,200 students, impacts to the University Police department under the Master Plan, which anticipates 6,8000 new on-campus residents and over 5,000 more headcount students, will be significant. The DEIR requires revision and recirculation to address these impacts.

    - The DEIR does not adequately address impacts to the City's police services and facilities resulting from the Master Plan's new residential neighborhoods. The DEIR estimates that the five new residential neighborhoods will increase the population by 3,308 people. Yet the DEIR provides no evidence or analysis of potential impacts to police services that will result from this increase in population. The same is true of the potential effects of the 5,000+ increase in enrollment and the 6,800 additional on-campus residents. The addition of this many new students to the area will create additional strains and demands on the City's Police Department. Even though students might relocate from off-campus to new on-campus housing, the reality is that the City's total population will increase as a result of the Master Plan as units previously occupied by students are

filled with new residents. As shown in the Capital Facilities Fee Program Nexus Study currently under consideration by the City, increased population results in increased calls for the City's Police Department, which requires increased personnel and facilities. (See http://opengov.slocity.org/weblink/1/doc/68484/Page1.aspx.) Yet the DEIR does not acknowledge the potential for impacts to the City's police services. The DEIR must be updated to disclose, analyze, and mitigate the environmental impacts associated with increased public safety requirements.

- The DEIR underestimates and underreports potential impacts to libraries that will result from the Master Plan. The DEIR relies on a number of faulty assumptions to conclude that impacts associated with the estimated 3,308 new residents planned for the new residential neighborhoods will not create impacts to libraries. For instance, the DEIR assumes that development of the new residential neighborhoods will occur gradually over the lifespan of the Master Plan. However, neither the Master Plan nor the DEIR provide any assurances that this will be the case, such as through an enforceable phasing plan or schedule. Additionally, the DEIR assumes that new residents will be relocated to the Master Plan units from within the City's library service area. But this assumption directly conflicts with the DEIR's claims that these residents will be relocating from outside of the City, thereby reducing impacts to traffic and air quality. Finally, the DEIR relies on planned on-campus library facilities to mitigate impacts to City libraries resulting from the new residential neighborhoods. However, neither the Master Plan nor the DEIR provide any evidence that the on-campus library will provide relevant services to residents of these new neighborhoods, which will include families and possibly seniors. Therefore, the DEIR lacks substantial evidence to support its conclusions that impacts to libraries will be insignificant.

- The DEIR fails to acknowledge impacts to local schools that will result from development of the residential neighborhoods under the Master Plan or from increases in faculty and staff necessary to serve the increased enrollment.

    - The DEIR acknowledges that elementary school enrollment in the San Luis Coastal Unified School District, which would serve all of the new residential neighborhoods, is anticipated to exceed school facility capacities within the next five years, even without the Master Plan. Because the Master Plan anticipates adding approximately 1,470 new families to the San Luis Coastal Unified School District, it is likely that it will create a significant impact to the District's elementary school facilities, which are already impacted. The DEIR does not accurately describe this impact. Instead, the DEIR relies on the faulty assumption that residents of the new Master Plan neighborhoods will be relocating from within the San Luis Coastal School District, which serves residents of the City. This directly contradicts assumptions in the traffic and air quality chapters that the new residents will be people who are currently commuting from outside the City.

- Additionally, the DEIR relies on inadequate and vague mitigation to address potential impacts. Rather than assessing impacts now, as required under CEQA, the DEIR states that future developers of the residential neighborhoods will be required to assess potential impacts and develop "appropriate in-lieu school fees to mitigate potential impacts…" (DEIR, p. 314.) The DEIR does not include adequate performance standards for this mitigation measure to ensure that the fees will actually mitigate impacts or will be feasible. This amounts to deferred analysis and vague and unenforceable mitigation, which are inadequate under CEQA. (See *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 140 ("[A] commitment to pay fees without any evidence that mitigation will actually occur is inadequate.").) Therefore, the DEIR lack substantial evidence to support its conclusions regarding impacts to schools.

- The DEIR improperly concludes that the Slack and Grand project's impacts to schools are the same as those for the overall Master Plan. The Slack and Grand project is anticipated to provide 420 housing units for families, among other populations. As stated repeatedly in the remainder of the DEIR, this project is relied on to provide needed housing to the community for families. Moreover, as a project-level review for this portion of the Master Plan, the DEIR should quantify the anticipated number of school-aged children who may become residents at this this project site. This number should then be compared against the San Luis Coastal Unified School District's anticipated enrollment numbers to determine impacts to its facilities. Although state law dictates the types of mitigation measures that may be imposed to address school impacts, CEQA requires that an EIR identify impacts that will be caused by new school facilities that would be necessary as a result of a project. (See *El Dorado Union High School District v. City of Placerville* (1983) 144 Cal.App.3d 123.) The DEIR does not do so for the Slack and Grand project.

- The DEIR underestimates and underreports potential impacts to City recreation facilities.

  - The DEIR acknowledges that the University's existing recreational and athletic facilities are inadequate to serve its student population and that several facilities are in need of repair. (DEIR, p. 302.) However, the DEIR does not acknowledge that, as a result of these inadequate facilities, a significant number of students and faculty use City recreational facilities, creating impacts to these facilities. As Cal Poly's facilities are renovated and rendered useless during the period of construction, these impacts will increase in the short term. The DEIR does not account for these impacts, which may be significant and should be mitigated.

  - The DEIR does not provide adequate information regarding the planned trails under the Master Plan, including those trails' connectivity to trail systems maintained by the City or the County. Additionally, the DEIR identifies SLOCOG's planned Chorro Valley Trail as proposed to run through the campus

core, but it provides no analysis of whether the Master Plan will conflict with this planned trail. (DEIR, p. 305.)

- The DEIR provides insufficient evidence, such as a list, of the recreational amenities planned under the Master Plan to allow it to rely on those facilities to mitigate all impacts to recreation. Nor does the DEIR or the Master Plan provide enough information to determine that the anticipated new recreational facilities are feasible or will be built prior to when either enrollment will increase or additional students will be housed on campus. Therefore, the DEIR lacks sufficient evidence that recreational facilities that may be planned under the Master Plan will actually mitigate impacts associated with increased enrollment and increased student housing on campus.

- The DEIR relies on Cal Poly recreational facilities to provide adequate recreation opportunities to the residents of the Slack and Grand project, but there is no evidence that individuals who are not enrolled at or employed by the University but who are anticipated to live at this project will be allowed to use these facilities. Nor does the DEIR appropriately evaluate whether families with children who are anticipated to live in the Slack and Grand units will use Cal Poly facilities only. It is highly likely that these residents will use City facilities, including libraries and recreational programs such as soccer, basketball, etc., rather than facilities and programs offered to college students. The DEIR provides no quantitative or project-specific analysis of these impacts and is therefore deficient. (See DEIR, p. 316.) Moreover, the DEIR appears to rely on the existing track and football field located adjacent to the Student Housing South freshmen dorm complex to provide recreational facilities to the Slack and Grand project, but these facilities are slated to be demolished and replaced with housing. The DEIR lack substantial evidence to support its conclusion that the Slack and Grand project's impacts to recreational facilities will be insignificant.

- The DEIR appears to evaluate potential impacts to recreation based on increased FTE enrollment rather than increases in headcounts. (DEIR, p. 314.) Individual persons use recreational facilities, not fulltime equivalent students, which are based on unit loads and not numbers of individual students. As a result, the DEIR lacks substantial evidence to support its conclusions regarding impacts to recreation.

- The DEIR does not evaluate or disclose potential impacts to parks and open space in the area that will result from the new residential neighborhoods and the additional 6,800 students who will be housed on campus under the Master Plan. No evidence is provided that the Master Plan itself will provide all of the park land and open space that the new residents will need. As indicated in the DEIR, the City has identified a number of projects that are necessary to meet existing needs. (DEIR, p. 304.) This alone indicates that the increase Master Plan

populations will create immediate impacts to City parks and open spaces. Therefore, the DEIR must quantify and disclose these potential impacts.

- To mitigate impacts to City parks, trails, and recreation facilities, the following mitigation measures should be added:
  - As mitigation for increased use of City parks and recreational facilities by increased numbers of students and on-campus residents, Cal Poly and the City will coordinate use of Cal Poly recreational facilities in the summer months, and at low student-use times, for the general public and City recreational programs.
  - Cal Poly will develop a trails plan on Cal Poly open space, in coordination with the City Open Space Team, with connections to City open space as appropriate.

- The DEIR identifies inadequate and unreliable mitigation measures to address impacts to public services and recreation and, therefore, leaves significant and unavoidable impacts to these services:
  - MM 3.11-1: As described above, this measure is inadequate to address impacts to emergency response times during construction because it requires mere notification without requiring any actual changes to construction plans to ensure that emergency responders will be able to get through or around construction. Additionally, this measure applies only to construction activities that occur on campus and provides no mitigation for Master Plan construction that may occur off-campus and may cause delays in emergency response times.
  - M3.11-3: This measure applies to construction only and, therefore, provides no mitigation of impacts to fire services that will result from operation of the Master Plan. The term "*less accessible* incorporated land" is also vague and renders the measure unenforceable.
  - 3.11-4: This measure is inadequate to address potential impacts to recreation because it requires notification and "collaboration" only without any actual changes to construction that would avoid impacts to recreation. Moreover, it amounts to deferred analysis and mitigation in violation of CEQA.
  - MM 3.11-5: This measure is inadequate to mitigate impacts to school facilities because it includes virtually no performance standards to ensure actual mitigation of impacts to levels of insignificance and it relies on vague and unenforceable terms such as "appropriate in-lieu fees" and "coordination" with the school district. This measure also calls for a future assessment to determine the need for and development of appropriate fees, which amounts to deferred analysis and mitigation in violation of CEQA. If this project will cause the need for new

school facilities, the environmental impacts of those facilities must be evaluated and disclosed now.

- MM 3.11-6: Similar to the prior mitigation measures, this measure amounts to deferred analysis and mitigation because it calls for the assessment and development of future fees to mitigation impacts. More strikingly, this measure does not even identify the impact that it is supposed to mitigate. Therefore, it cannot be relied on to mitigate any impacts identified in the DEIR.

- The DEIR does not adequately evaluate and disclosed cumulative impacts to public services and recreation. Although the DEIR identifies projected population increases estimated by SLOCOG through the year 2030, the DEIR does not quantify the Master Plan's cumulative contribution to these increases. Nor does the DEIR quantify the reductions in potential impacts that will result from each of the identified mitigation measures. As a result, the DEIR lacks substantial evidence to support its conclusion that cumulative impacts to public services and recreation will be insignificant with mitigation.

Chapter 3.12 – Utilities and Services

The DEIR significantly underestimates and lacks substantial evidence to support its evaluations, mitigations, and conclusions regarding the Master Plan's impacts to utilities and public services, which is of great concern to the City.

- The DEIR misrepresents Cal Poly's water supply entitlements and sources.

  - Currently, the DEIR states that Cal Poly holds one-third of the rights to the Whale Rock Reservoir and indicates that it shares this with the City and the State of California's Men's Colony prison. (DEIR, p. 320.) In reality, the City does not share in Cal Poly's 1/3 right but holds 55.05% of the storage rights to the Whale Rock Reservoir. The Men's Colony holds 11.24%. The DEIR should be updated to clarify these facts.

  - The DEIR states that "[w]ater is also provided to the University from the City water treatment plant from Santa Margarita Lake, Salinas Reservoir and Lake Nacimiento." (DEIR, p. 320.) This is not true. It is true that, pursuant to an agreement, the City treats water from the Whale Rock Reservoir on behalf of Cal Poly and, through that process, Cal Poly's water is blended with water from the City's sources. However, Cal Poly is not entitled to any water from these other sources. Rather, the City tracks and provides an accounting to Cal Poly of the Whale Rock Reservoir water which the City has treated on Cal Poly's behalf and sent to the campus. Cal Poly is not entitled to treated or untreated water from Salinas Reservoir, also referred to as Margarita Lake, or Lake Nacimiento.

  - Contrary to indications in the DEIR, the City is not obligated in its agreement with Cal Poly to provide fire flow. (See DEIR, p. 322.) Cal Poly is responsible for providing sufficient water and fire flows through its own water sources and

infrastructure. Additionally, the DEIR references water modeling and analysis conducted to ensure adequate fire flow, but none of this information is provided in appendices to the DEIR or otherwise. (DEIR, p. 322.) As a result, it is unclear that there is substantial evidence to support the DEIR's conclusions regarding the sufficiency of fire flow supplies and infrastructure.

- The DEIR underreports and misrepresents existing and future impacts to the City's wastewater system.

    - The DEIR is unclear as to whether Cal Poly proposes to connect to the City's wastewater collection system to serve the Master Plan. (See DEIR, pp. 322, 325.) As a result, the DEIR lacks substantial evidence to support its conclusions that the Master Plan will not cause significant impacts to the collection system. Increases in enrollment by over 5,000 FTE and in on-campus residents by at least 6,800 is likely to significantly stress the existing wastewater facilities.

    - The DEIR incorrectly states that Cal Poly receives a discounted rate for wastewater collection and treatment. Pursuant to the most recent agreement with the City, Cal Poly's rates reached 100% of the City's going rate in the year 2017. (See 2012 Agreement Between the City of San Luis Obispo and California Polytechnic State University Regarding Water and Sewer Rates.)

    - The DEIR does not contain sufficient information regarding Cal Poly's existing sewer flow rates. Because the agreement concerning wastewater service between the City and Cal Poly provides Cal Poly a share in the City's wastewater treatment plant of "a monthly average of .471 million gallons daily," wastewater flows should be converted to gallons per day. Monthly averages should be provided because these rates are necessary to adequately plan for wastewater needs. Table 68 should be updated to read as follows, which includes wastewater flow from Cal Poly's Bella Montana housing project:

Table 68. Summary of Wastewater (Sewer) Flow Monitoring Results (Average Daily Flow, in gallons)

Total Wastewater (Sewer) Flow	2014	2015	2016	2017
January	314,761	283,741	324,530	364,012
February	371,631	302,421	312,099	454,663
March	272,606	236,457	256,930	305,076
April	367,405	302,595	291,270	326,297
May	393,415	286,789	306,764	322,487
June	196,925	144,581	132,358	176,506

July	56,664	54,244	39,360	61,841
August	46,261	42,492	51,033	93,147
September	181,874	177,487	134,226	283,494
October	352,984	290,270	281,597	352,644
November	237,864	246,883	242,442	269,876
December	208,692	130,350	203,548	127,133

- Based on the four-year average of monthly data for 2013 through 2016, the campus generates the highest flows in February, April, May, and October. Average daily flow for February 2017 was 447,076 gallons per day, or over 96% of Cal Poly's flow under its agreement with the City. It is, therefore, highly likely that additional flow resulting from development under construction, as well as projected flow from the Master Plan will exceed the amount allowed to Cal Poly under its agreement with the City.

- Based on a review of monthly average flows, the DEIR's analysis of Master Plan impacts on the City's wastewater collection system should use October flows and a peaking factor of at least 2.6 and mitigation must be provided to reduce Cal Poly's existing inflow and infiltration, as evident in February 2017 flows. The DEIR currently does neither. In fact, the DEIR does not include a peaking factor at all, relying instead on average flow rates. But because the City's wastewater system must accommodate peak flows, peak wet weather flows must be taken into consideration when evaluating impacts. The City's data from February 2017 indicated instantaneous peak flows were over one million gallons per day. The DEIR must evaluate impacts associated with any increases in these peak flows.

- The total city-wide flow averages approximately 3.0-3.5 million gallons per day (mgd) under *average dry weather conditions*, not drought conditions as stated in the DEIR. Pursuant to its contract with the City, Cal Poly is allotted 471,000 gallons per day (gpd), not 475,000 as stated in the DEIR. (DEIR, p. 326; see May 1, 2007 Memorandum of Understanding ("MOU") Between the City of San Luis Obispo and California Polytechnic State University Regarding Capacity Interest in City Facilities.) Additionally, Cal Poly's average daily flow is not accurately stated as 206,000 gpd, as the DEIR indicates, because this is an annual average and does not approximate what the City's system must be designed to handle given the more typical monthly average. Moreover, it is more appropriate for an EIR to analyze reasonable worst-case scenarios than an artificially low annual average. Updated Table 68 provided above indicates that the highest average is 330,544, or 70.2% of Cal Poly's contractual capacity.

- The planned expansion of the City's wastewater facility (Water Resource Recovery Facility (WRRF)) that is referenced in the DEIR will serve the projected buildout of the City, consistent with the City's General Plan. (DEIR, p.

326.) This additional capacity has not been planned to serve Cal Poly. Prior to release of the DEIR, Cal Poly has not communicated to the City that additional capacity would be needed to serve buildout of Cal Poly's 2035 Master Plan. The City certified a FEIR for the WRRF project in July 2016, which should be referenced for further particulars and found at http://www.slocity.org/Home/ShowDocument?id=10532. The DEIR cannot rely on this project to serve the Master Plan. For this reason, MM 3.12-2 also cannot rely on "purchasing additional shares in the City's treatment plant prior to exceedance of current agreement limits…" to mitigate impacts associated with wastewater. (DEIR, p. 346.) In addition, the DEIR does not evaluate impacts that would be caused by this measure, which would likely require physical improvements to the WRRF beyond those planned in its 2016 EIR. As a result, this mitigation measure cannot be relied upon to mitigate impacts to wastewater facilities from the Master Plan.

- The DEIR provides no analysis or evidence of either existing or anticipated levels of inflow/infiltration and peak wet weather flows. Data provided for January and February in Table 68 suggests that Cal Poly's collection system is allowing inflow/infiltration. However, the DEIR does not quantify total inflow/infiltration volumes under existing conditions or existing plus project. Additionally, the DEIR does not quantify peak wet weather flows under existing or existing plus project conditions. Because all wastewater systems must be designed to accommodate these peak flows, impacts of this project cannot be properly evaluated without this information.

- The DEIR provides no information or evaluation of existing or projected impacts to the City's Sewer System Management Plan (SSMP) (http://www.slocity.org/home/showdocument?id=6347), its Wastewater Collection System Infrastructure Renewal Strategy (found at http://www.slocity.org/home/showdocument?id=6504), Cal Poly's discharge permit to the City's collection system, or the City's NPDES permit for its WRRF. Each of these plans and permits imposed requirements on the City, Cal Poly, or both, and the DEIR does not analyze whether the Master Plan would cause violations of any of these requirements. This evaluation is required under the first threshold of significance identified on page 336 of the DEIR, which measures whether the project would "[e]xceed wastewater treatment requirements of the applicable Regional Water Quality Control Board." This is particularly problematic because Cal Poly has been in significant non-compliance with its pretreatment permit (Permit No. 259-S, dated January 1, 2016) requirements/local limits both in the past and currently (for ammonia and BOD). The significant increases in wastewater that the Master Plan will generate will also increase the likelihood of additional violations, which may require amendments to the pretreatment permit to remedy. The DEIR needs to evaluate, disclose, and mitigate these impacts.

- The DEIR lacks substantial evidence that the estimated wastewater volumes under the Master Plan are accurate. Particularly in light of the facts that Cal Poly currently relies on the City's wastewater collection system and it intends to tie all Master Plan development, presumably including the new wastewater treatment plant, into the City's system, the DEIR should use the City's wastewater collection system model to identify impacts to off-campus (City) infrastructure. This is not what the DEIR does. To accurately predict wastewater impacts, additional information is needed on the proposed average daily flow and peak flow (using a 2.6 peaking factor) associated with the proposed Master Plan. Instantaneous peak flows exceeded one million gpd in 2017 during wet weather (February 2017) and exceeded 800,000 gpd during dry weather (October 2017), which amounts to more than twice the volume anticipated and planned for by the City pursuant to its agreement with Cal Poly. This amounts to a significant impact to the City's wastewater facilities.

- As identified in the City's 2016 Wastewater Collection System Infrastructure Renewal Strategy, the City's collection system has peak wet weather flow issues due to inflow and infiltration, and therefore, may not have adequate capacity to accommodate future proposed wastewater flows. In some areas of the City, flow offsets have been required to accommodate new in-City development. The DEIR must disclose and evaluate these impacts and the extent to which Master Plan development will cause additional impacts to the City's collection system.

- The DEIR fails to provide any evaluation or evidence concerning future pollutant loading and impacts to the sanitary sewer system that will occur as a result of the Master Plan. This analysis must consider full build-out of the new facilities, student dorms, residential neighborhoods, and increased headcount enrollment and increased faculty and staff on campus under the Master Plan. The DEIR must also evaluate increases in pollutants that will be discharged to the City's sanitary sewer system as a result of the new planned wastewater system, which will treat a portion of Cal Poly's wastewater. None of this information has been provided in the DEIR, which has left a potentially significant impact unidentified in the DEIR.

- The Master Plan may cause a significant impact to utilities and services systems because it may "[r]esult in a determination by the wastewater treatment provider[, the City,] which serves or may serve the project that has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments." (DEIR, p. 336.) To put it more plainly, the City does not have capacity to provide wastewater service to the Master Plan project. The City has a commitment to serve the build out of the City's General Plan as well as 471,000 gpd from Cal Poly. Cal Poly would need to provide additional information/analysis on proposed average and peak flows for the City to understand the Master Plan's impacts on the City's collection system and WRRF. At this time, the DEIR lacks substantial evidence to support a finding that there will be no potentially significant impact to the City's wastewater facilities as a

result of the Master Plan. In order to accommodate the Master Plan at the City's facilities, the DEIR needs to evaluate and disclose the following, at a minimum:

- Confirm Master Plan future flow volume, including phasing of flow increases.
- Analyze the impacts of the proposed Master Plan on the City's collection system from the point of connection (including the six-inch Parshall Flume) through 3.8 miles of VCP and PVC pipelines ranging in size from 10 to 48 inches to the City's WRRF.
- Increase the permitted capacity of the WRRF from 5.4 mgd to accommodate the Master Plan future flow volume.
- Enter into an agreement with the City to support the permitting, design, and phased construction of identified collection system and WRRF capital improvements as mitigation.

- The DEIR fails to provide sufficient information and evidence regarding potential impacts related to the new planned wastewater treatment facility, which is included in MM 3.12-2.

  - The Regulatory Setting section of this chapter does not discuss the regulatory requirements that will apply to Cal Poly's new wastewater treatment facility or provide any analysis of whether or how the facility would meet those requirements. It is likely that regulatory requirements will be rigorous and will impose significant burdens on the planned facility. The DEIR provides no evaluation of any of these requirements or any of the impacts that they may have on the planned facility, its feasibility, or its negative environmental consequences. Nor does the DEIR identify requirements of City's discharge permit (Permit No. 259-S, dated January 1, 2016) or explain how Cal Poly will address past and current significant non-compliance issues with the addition of discharge from a new wastewater treatment plant. An EIR can only rely on mitigation measures that are feasible to lessen impacts to levels of insignificance. The DEIR lacks substantial evidence of feasibility and, therefore, cannot rely on MM 3.12-2 to mitigate impacts to wastewater facilities.

  - The DEIR provides almost no amount of analysis regarding impacts that will result from Cal Poly's construction of a new wastewater treatment facility, even though the stated thresholds of significance include whether the project will "[r]equire or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects." (DEIR, p. 336.) This threshold is consistent with CEQA Guidelines Appendix G. The DEIR lacks substantial evidence to support a finding that the new wastewater facility required under MM 3.12-2 will not exceed this threshold.

- The DEIR indicates that, at best, Cal Poly's construction of a new wastewater treatment facility would treat up to 400,000 gpd of wastewater. However, as discussed above, the Master Plan is likely to create at least 815,000 to 917,000 gpd of wastewater. Even if the new wastewater facility were feasible and analyzed properly in the DEIR, it likely would be insufficient to serve the Master Plan without requiring additional capacity, and therefore additional impacts, to the City's WRRF.

- The DEIR provides no analysis of the feasibility or impacts that would be associated with using treated water to irrigate agriculture, landscape and athletic facilities on campus. Recycled water that will be used for these purposes must be reclaimed to particular state standards, and the DEIR does not include any information regarding these standards or what physical improvements would be required to meet them.

- Wastewater reclamation facilities typically cause potentially significant impacts to a number of environmental issue areas, as evidenced in the recent EIR certified by the City for its WRRF upgrade project (found at http://www.slocity.org/Home/ShowDocument?id=10532). Yet the DEIR here does not address any such potential impacts. Therefore, the DEIR lacks substantial evidence that project will not "[r]equire or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects," thereby exceeding an identified threshold of significance. (DEIR, p. 336.)

- MM 3.12-2 does not include an appropriate trigger for requiring development of the wastewater treatment facility so as to ensure that the City's wastewater facilities will not be significantly impacted. Because wastewater demands can be forecasted based on a Master Plan component's square footage, bathrooms, or beds, MM 3.12-2 should include specific trigger points for requiring construction of the new treatment plant and should preclude development until the plant is operation. This measure does neither. It should be revised to incorporate objective and measurable performance standards in order to ensure it is enforceable.

- The DEIR provides insufficient project-level information regarding potential water demands and potential impacts to the City's wastewater facilities for the Slack and Grand project.

  - As discussed in the City's comments on Chapter 3.13 below, the residential neighborhoods proposed under the Master Plan would cumulatively require approximately 232 AFY of water supply, not 210 AFY as stated in the DEIR. This is based on the average demand factor of 0.16 AF/unit for the Bella Montana project developed by Cal Poly. Using this factor, the Slack and Grand project will require approximately 67 AFY, or 60,000 gpd, of water, not 60 AFY

as stated in the DEIR. Based on a factor of approximately 80 to 90% of consumed potable water supply becoming wastewater, buildout of the Slack and Grand project would generate approximately 54 to 60 AFY, or approximately 48,000 to 54,000 gpd of wastewater, rather than 48 to 54 AFY and 42,851.6 to 48,208.05 gpd as reported in the DEIR. Given the recent peak flows of over 1 million gpd, which the City measured in February 2017, the DEIR lacks substantial evidence to support a conclusion that the increased wastewater from the Slack and Grand project will not significantly impact existing wastewater facilities.

- The summary of Water Supply Infrastructure that appears in this chapter includes inaccurate information.

    - The City provides an update to these projections in comments on Table 71. To summarize here, Cal Poly currently receives 875 AFY of water from Whale Rock Reservoir, not 792 as stated in the DEIR. (DEIR, p. 336.) The City estimates that, under the information provided at this time, the Master Plan will likely require 534 AFY, not the 491 AFY identified in the DEIR, totaling 1,409 AFY not 1,283 AFY. This amount is in addition to the 1,475-bed project that Cal Poly is constructing now, which will increase water demand beyond these estimates. The DEIR should be updated to reflect the projections provided in the comments on Chapter 3.13 below.

    - The revised water demand projections provided by the City below will exceed the 1,000 AFY identified in the 2007 water treatment agreement between the City and Cal Poly. The agreement will require revision before any additional water may be treated and provided to Cal Poly to accommodate Master Plan buildout. Because the current agreement does not contemplate treatment of sufficient water to serve the Master Plan, it is not accurate to state that necessary upgrades or replacement projects that will be required to serve the Master Plan will be the City's responsibility. CEQA requires that project-related impacts be evaluated and disclosed in the project's EIR. This responsibility cannot be placed on the City. Moreover, CEQA requires that any improvements of physical changes that are necessary as a result of a project must be disclosed and evaluated in the EIR at the time of project approval. The DEIR provides insufficient information to satisfy this requirement.

- The DEIR improperly relies on "legally required capital facilities fees" to mitigate impacts to the City's water and wastewater systems that will result from the Master Plan, including the Slack and Grand project. (DEIR, pp. 339, 345, 346.) The DEIR lacks substantial evidence to support a conclusion that such a fee program would be legally applicable to Cal Poly, a state university, or that such a fee program would mitigate the actual impacts that would be caused by this Master Plan or the Slack and Grand project. Additional performance standards would be required to ensure that any fees or funding

paid to the City would be sufficient and capable of being timely implemented to actually mitigate the impacts of this project.

- The DEIR lacks substantial evidence to support its conclusion that impacts to solid waste facilities will be less than significant. The DEIR provides no citation to evidence that the Cold Canyon Landfill has available capacity to accommodate all of the solid waste that the Master Plan will generate. While the DEIR states that estimated solid waste would equal 294 tons per year less than the current quantity received at Cold Canyon Landfill, this does not provide evidence that the landfill will be able to take all of this project's solid waste plus all cumulative waste from its service area. Additionally, the DEIR relies on the University's solid waste plans to mitigate impacts from the Slack and Grand project, but it is not clear that these plans would apply to the private developer of that project. (DEIR, p. 345.) The DEIR should be updated to supply necessary evidence to support its conclusions concerning impacts to solid waste facilities.

- The DEIR does not contain an adequate analysis of energy consumption under the Master Plan, as required under Appendix F of the CEQA Guidelines and the recent decision in *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256. In that case, the Court concluded that an EIR's energy analysis was inadequate because it did not calculate the energy use attributable to vehicle trips generated by the project and the project's operational and construction energy use. The Court found that the energy analysis was required to address the energy impacts of the estimated 11,204 new vehicle trips per weekday and 8,708 new trips per weekend day. The Court also found that the EIR could not rely on compliance with the building code to mitigate operational and construction energy impacts without further discussion of the specific criteria listed in Appendix F, nor could the lead agency rely on mitigation measures designed to reduce greenhouse gas emissions to address energy-related impacts. Here, the DEIR does not provide an energy analysis that addresses the criteria listed in Appendix F. Nor does the DEIR address energy consumption related to the increases in vehicle, delivery truck, or transit trips. A complete Appendix F evaluation should be completed and included in a revised DEIR.

- The DEIR does not properly evaluate, disclose, and mitigation cumulative impacts to water, wastewater, and stormwater facilities.

    - The DEIR does not list the pending and approved projects that were considered in its analysis of cumulative impacts to water supply infrastructure and, therefore, lacks substantial evidence to support its conclusions. Additionally, the DEIR relies on "legally required capital facilities fees and user fees" to mitigate cumulative water impacts. (DEIR, p. 347.) However, the DEIR lacks substantial evidence to support a conclusion that such a fee program would be legally applicable to Cal Poly, a state university, or that such a fee program would mitigate the actual cumulative impacts.

- The DEIR inaccurately states that the City has not identified capacity constraints at its WRRF and, therefore, improperly concludes that cumulative wastewater impacts will be insignificant. The City is planning an upgrade to the WRRF to accommodate City General Plan buildout but does not provide capacity for increased wastewater from Cal Poly above its existing agreement.

- Cumulative stormwater impacts are not adequately evaluated because existing stormwater permits regulate only those project components involving more than 1 acre of site disturbance, as described in the comments on Chapter 3.6 above. The DEIR does not estimate or address the cumulative effects of development under the Master Plan in light of this exception to applicable stormwater regulations.

Chapter 3.13 – Water Supply

The DEIR lacks substantial evidence to support its water demand estimates under the Master Plan and provides insufficient evaluation and mitigation of impacts associated with the water supplies that will be necessary to serve the project.

- The DEIR does not accurately describe its existing water demands, supplies, or entitlements.

  - The DEIR incorrectly identifies its entitlement to water from the City. Page 351 of the DEIR states that the City "delivers water to the Cal Poly campus from both Whale Rock Reservoir and Salinas Reservoir… Whale Rock water is generally used for domestic use and untreated Salinas water is generally used for agricultural use. Both types of delivered water are applied against Cal Poly's Whale Rock water rights." This is not accurate. Cal Poly holds rights to Whale Rock water only. It has no right to water from the Salinas Reservoir or from any other City sources. Pursuant to an agreement between the City and Cal Poly, the City treats Cal Poly's Whale Rock water to be used for potable purposes. The City recommends deleting the language quoted above to avoid confusion.

  - The City discovered on September 19, 2017, as part of its large water meter testing program that tested 20 large meters in the City and at Cal Poly, that the eight-inch water meter serving Poly Canyon Village was underreporting actual amounts of water used through the meter. In essence, the meter was not recording any water usage when the flows decreased below a certain level. The City replaced the meter on November 2, 2017. Based on the readings of that meter since it was replaced, it appears that the prior meter was underreporting water usage by approximately 30%. For instance, the meter registered 1,743 units of water used in December 2016 (4 AF) but 2,500 units of water used in December 2017 (5.7 AF). In light of this new information, the City is providing new water estimates in its comments below for use in Tables 71 and 72 of the DEIR. Additionally, the assumed domestic (non-agricultural) Whale Rock water use number should be changed from 472 to 555 as a result of this new information.

(DEIR, p. 354.) For this same reason, the total existing water use estimate appearing at the top of page 355 of the DEIR should be changed from 792 AFY to 875 AFY.

- The DEIR does not provide evidence that the recent water demand reductions instituted as a result of conservation mandates are sustainable into the future. More importantly, it was recently discovered that a water meter at Poly Canyon Village was faulty and underreporting usage, as discussed above. Based on readings since the water meter was replaced, it appears that significantly more water is currently being used than is reported in the DEIR. As a result, the conservation figures identified in Table 70 may be attributed to an inaccurate water meter.

- The DEIR does not evaluate or disclose impacts associated with interruptions in water supply from Whale Rock Reservoir that occur due to maintenance or emergency repairs. This occurred in June 2017, when the City conducted an emergency repair on the 30-inch pipeline. Although water supply interruptions have been infrequent in the past, that infrastructure is aging, and Cal Poly only has rights to one potable water supply to serve the campus. The City does not have the responsibility to provide water to the campus from its multi-source water supply portfolio when water from Whale Rock Reservoir is unavailable. Continued reliance on a single water supply for build-out of the Master Plan is unwise.

- The DEIR underestimates likely water demands under the Master Plan.

  - As indicated in the footnotes to Table 70, potable water demands increased by 23 AF in 2015 "due to replacement, repairs, and maintenance of the existing water distribution systems…" (DEIR, p. 352.) It is likely that, within the 20-year time frame of the Master Plan, additional replacement, repairs, and maintenances of water distribution systems will be necessary. But the DEIR excludes this demand from its estimations of future demand under the Master Plan. (See DEIR, p. 354.) No evidence or explanation is provided to support the exclusion of this likely source of demand.

  - The DEIR uses FTE rather than accurate headcount projections to estimate water demand under the Master Plan. Water demand depends on the number of individual people who will use water in restrooms, laboratories, and other amenities on campus, not on the number of students who are carrying full unit loads. Therefore, the DEIR lacks substantial evidence to support its water demand figures, which are calculated assuming an additional 5,000 FTE students rather than an additional 7,560 headcount students. (See DEIR, p. 354; Master Plan, p. 2-23 (estimated unduplicated headcount with full-year option of 27,560); DEIR, p. 5 (baseline headcount of 20,000).)

- The DEIR assumes that agricultural water use from Whale Rock will not exceed 320 AFY, but there is no evidence that this limitation is enforceable or feasible. In fact, the DEIR states that agriculture used 474 AF of water from Whale Rock in 2013 and 362 AF in 2015. Reducing water use by another 42 AFY may not be feasible, particularly as Cal Poly's enrollment increases and more students participate in the University's successful agricultural programs. The DEIR assumes that this 42 AFY may be obtained from groundwater wells, but the DEIR provides no analysis of whether existing wells and groundwater sources on campus can actually supply this additional water. Nor does the DEIR clearly state total anticipated groundwater demand under the Master Plan or evaluate potential impacts associated with that use. It is also not clear where water will come from to ensure the productivity of land that is used for compensatory mitigation to agricultural resource impacts pursuant to MM 3.3-1. Additionally, the DEIR relies on an agreement between the University and its own College of Agriculture and Environmental Sciences as limiting agricultural water to 320 AFY, but it is unclear how such an agreement might be enforced. As a result, the DEIR lacks substantial evidence to support its assumption that agricultural water use from Whale Rock will not increase above 320 AFY or to support its conclusion that impacts to groundwater will be insignificant.

- The DEIR underestimates the water demand associated with the 1,475-bed student housing project that is currently being constructed. The DEIR states that this particular project will require 28 AFY, which amounts to 17 gallons per student per day. By comparison, the typical average used for calculating demand from a residential unit is 151 gallons per person per day. Moreover, actual usage at Poly Canyon Village, following replacement of the faulty meter, has averaged 0.0353/bed rather than 0.028046/bed, as identified in the DEIR. (DEIR, p. 355, Table 72.) This amounts to an estimated 52 AFY for the 1,475-student housing project. This is somewhat lower than the 59 AFY estimate provided in the Project EIR. Therefore, the DEIR lacks substantial evidence for the estimated future water demand under the Master Plan.

- It is unclear if the water demand estimates provided in Table 71 include the 69-unit Bella Montana project. Based on meter reads for December 2016-November 2017, this project used 11 AFY, or 0.16 AFY/unit. However, the DEIR lacks substantial evidence that this project was included in the total existing plus Master Plan water demand numbers. This could increase potential impacts to water resources by 11 AFY.

- The DEIR lacks substantial evidence to support the estimated water demand associated with the new residential neighborhoods, including the Slack and Grand project. Table 72 states that the residential units are expected to require 0.062 AF per resident per year. The City estimates that the appropriate demand rate is 0.16 AFY per unit based on the actual water amounts used at the recently completed

Bella Montana project for December 2016-November 2017. This more accurate rate is reflected in revised Tables 71, 72, and 73 below.

- Due to recently-discovered inaccuracies in meter data, and accounting for the revisions necessary to the 1,475-bed student housing project, the additional 42 AFY of groundwater, and the appropriate water demand figures for the new residential neighborhoods, Tables 71, 72, and 73 of the DEIR should be updated as follows:

Table 71. Total Future Campus Water Use

Use	**AFY**
Existing Whale Rock Reservoir Water Use	
Campus Facilities and Enrollment	555
Agriculture	320
Subtotal	*875**
Student Housing Under Development	
1,475 beds	52
Subtotal	*52*
Master Plan Additional Water Use	
Campus Enrollment and Facilities	302
Residential Neighborhoods	235
Subtotal	*537*
Total	**1,464**

Table 72. Master Plan Additional Water Use

Use	**Units**	**Use Factor FY/Year**	**AFY**
Campus Facilities	5,000 FTE	0.01245/FTE*	62
New Student Housing with Amenities	6,800 beds	0.0353/bed**	240
Subtotal		-	*302*
Use	**Units**	**AFY/Unit**	**AFY**
Residential Neighborhoods	1,470	0.16	235
Subtotal			*235*
Total		**-**	**537**

Table 73. 2018–2023 Master Plan Water Use

Use	Units	Use Factor AFY	AFY
University Enrollment and Operations			
Existing demand from Whale Rock Reservoir			875
Enrollment growth	893 FTE	0.01245/FTE	11
Student housing under construction (Student Housing South)	1,475	0.0353/bed*	52
New student housing with amenities	2,500 beds	0.0353/bed**	88
Subtotal			*1,026*
Slack and Grand Residential Neighborhood			
Apartment-style housing	420	0.16 AF/unit	67
Total			**1,093**

* Based on 2016/2017 Cerro Vista dormitory student housing water use per bed. This is a conservative use factor since Cerro Vista is suite style apartments with a kitchen in every suite while Student Housing South is a dormitory style rooms with common bathroom and a shared kitchen on each floor.
** Based on November 2017 PCV housing water use per bed (0.0353/bed). . PCV are suite style apartments with a bathroom and kitchen in each suite, as well as three dining facilities, a market, pool, and office space.

Likewise, references to estimated water demand throughout Chapter 3.13 should be updated to reflect these revised numbers.

- The DEIR lacks substantial evidence to support the estimated water demand for the new campus facilities anticipated under the Master Plan. The DEIR identifies a use factor per FTE based on the total domestic water use from 2016/2017. (DEIR, Table 72, pp. 355-356.) However, no evidence is provided as to exactly which uses were deemed domestic and what enrollment figures were used to create the 0.01245/FTE rate.

- The DEIR estimates short-term water use impacts based on an unsupported assumption that enrollment will increase gradually over the first five years. (DEIR, p. 357.) However, as discussed above, there is no evidence that this assumption is correct, nor does the Master Plan provide any assurances that this will be the case. Enrollment has already reached almost 22,500 students this year, well over the baseline headcount number of 20,000. The DEIR, therefore, lacks substantial evidence to support its assumption that impacts to water resources will be gradual during the first five years of the Master Plan.

- A number of Master Plan components appear to have been excluded from the estimates of future water demand:

    - It is unclear whether the DEIR includes increased faculty and staff in its water demand estimates. The DEIR does not provide a breakdown of the total demand number identified for "Campus Facilities and Enrollment" in Table 71 or the "Campus Facilities" in Table 72. Therefore, the DEIR

lacks substantial evidence that the estimate includes the additional 810 faculty and staff employed on campus.

- The DEIR does not appear to evaluate water demand that will result from events under the Master Plan. The Master Plan contemplates construction of an additional 4,000 seats at Spanos Stadium, plus an entire additional events center. This will increase water demand associated with events on the campus, but the DEIR does not provide substantial evidence that these impacts were evaluated.

- The DEIR does not appear to include any water demands for construction of the Master Plan or any of its project components, including the Slack and Grand project. Construction will require water for grading, soil compaction, and compliance with APCD dust control measures. Yet, the DEIR does not include any of these requirements in its estimates of water demand under the Master Plan.

- The DEIR excludes water for landscaping from its estimated total demand numbers, but there is no evidence or explanation to support this exclusion.

- Master Plan is likely to result in significant impacts to water resources because it will result in the need for new or expanded water supply entitlements and will generate demand for water that exceeds available supply.

    - The DEIR properly identifies Cal Poly's share of the annual safe yield of Whale Rock Reservoir as 959 AFY in 2017. It is unclear if this safe annual yield figure accounts for future siltation losses in Whale Rock Reservoir which will continue to reduce Cal Poly's safe annual yield over time. An annual siltation rate of 32.6 AFY was identified for Whale Rock Reservoir in a 2013 bathymetric survey. Under the estimates stated in revised Table 71 above, the Master Plan will exceed this amount by 505 AFY or more depending on whether future siltation is was recognized, not 324 AFY as stated in the DEIR. Even without the additional uses and other likely sources of underestimations identified above, this is a very significant shortfall of available water supplies. 505 AFY is equivalent to the water that would be necessary to serve 3,156 additional multi-family housing units, using Bella Montana's water use rates, or almost two San Luis Ranch projects, or almost four Avila Ranch projects. (See San Luis Ranch EIR, p. 4.13-11 (estimating total demand of 217.6 AFY); Avila Ranch EIR, p. 3.13-29 (estimating total demand of 131 AFY).) This amount of additional, necessary water entitlements amounts to a significant environmental impact according to the thresholds stated in the DEIR. (DEIR, p. 354.)

    - Based on revised Table 73 provided above, water resources will be significantly impacted within the first five years of the Master Plan because demand will reach 1,093 AFY whereas Cal Poly's share of the Whale Rock Reservoir's safe yield was 959 AFY in 2017. This results in a deficit of 134 AFY in the next five years,

which Cal Poly will be required to provide through new water entitlements and sources.

- The DEIR relies on unnamed, unevaluated, unanalyzed other "water supply opportunities" to mitigate these significant impacts to water resources, which is not appropriate under CEQA. The only information provided in the DEIR regarding these water supply opportunities is the following: "To make up for this deficit, Cal Poly is actively pursuing all feasible opportunities to obtain and secure additional water supply sources, including recycled water, purchase of water and capacity from the Nacimiento Reservoir's water rights holders, and pursuing opportunities for additional water through [the] State water project, among others." (DEIR, p. 357.) This does not comply with CEQA, as interpreted by the California Supreme Court in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412 (*Vineyard Area Citizens*). There, the Court held that CEQA requires an EIR to "show a likelihood water would be available, over the long term, for this project." (*Id.* at p. 441.) As the Court explained: "Without an explanation that shows at least an approximate long-term sufficiency in total supply, the public and decision makers could have no confidence that the identified sources were actually likely to fully serve this extraordinarily large development project. An EIR that neglects to explain the likely sources of water and analyze their impacts, but leaves long-term water supply considerations to later stages of the project, does not serve the purpose of sounding an "environmental 'alarm bell'" (*Laurel Heights I, supra*, 47 Cal.3d at p. 392, 253 Cal.Rptr. 426, 764 P.2d 278) before the project has taken on overwhelming "bureaucratic and financial momentum" (*id.* at p. 395…)." (*Id.*) This is particularly problematic in light of the significant short-fall that will occur within the first five years of the Master Plan. New water sources must be obtained and disclosed now if the projects planned in the near future will occur as identified in the DEIR. If Cal Poly is unable to build the 2,500 new beds for students planned for these first five years, the Master Plan will create increased impacts to traffic, air quality, and housing, among others, then are currently identified in the DEIR. In fact, MM 3.13-4, addressed in more detail below, would ensure that the new housing would likely not occur without development of new water sources. As a result, the lack of identified and analyzed water sources for build-out of the Master Plan will have an immediate, significant effect that may create ripple effects on other areas of the environment. Moreover, the lack of information and analysis regarding long-term water supplies render the DEIR deficient under *Vineyard Area Citizens.* The DEIR needs to address these problems now.

- The identified mitigation measures are inadequate to address impacts to water resources, leaving significant and unavoidable impacts that are not identified in the DEIR.

  - MM 3.12-2: The DEIR lacks substantial evidence to support a finding that this measure is feasible or that it will reduce water demand sufficiently to overcome

identified deficiencies in water supplies. Additional performance standards should be included to require reductions in water demand by sufficient amounts to ensure an adequate supply for the Master Plan. Additionally, the DEIR does not provide sufficient information regarding feasibility and environmental impacts associated with the recycled water options identified in this mitigation measure, whether the recycled water is obtained through the City or Cal Poly's new wastewater treatment plant. If this measure is required in order to supply sufficient water to the project, the DEIR needs to analyze the environmental impacts that this measure will cause. Similarly, the DEIR does not provide substantial evidence that there are 40 AFY worth of landscape irrigation controls and low-flow toilets available on campus to actually reduce existing water use by 40 AFY. Without this additional information and analysis, the DEIR cannot rely in this measure to mitigate impacts to levels of insignificance, particularly for those projects that are planned to be constructed in the next five years.

- 3.13-3: This measure attempts to mitigate significant impacts to water resources, including impacts associated with new water entitlements and impacts resulting from a Master Plan that generates demand that far exceeds available supply, by stating that development will not occur until "additional water supplies become available." The California Supreme Court has held that this very type of measure is inadequate to mitigate water supply impacts. In *Vineyard Area Citizens*, the EIR relied on a very similar mitigation measure which required that entitlements for development within a portion of the project shall not be granted without firm proof of available water supplies. The Court rejected this measure, concluding that "an EIR may not substitute a provision precluding further development for identification and analysis of the project's intended and likely water sources. 'While it might be argued that not building a portion of the project is the ultimate mitigation, it must be borne in mind that the EIR must address the project and assumes the project will be built.' (*Stanislaus Natural Heritage, supra*, 48 Cal.App.4th at p. 206, 55 Cal.Rptr.2d 625.)" (*Vineyard Area Citizens, supra*, 40 Cal. 4th at 444.) In short, an EIR cannot "rel[y] on a provision for curtailing later stages of development if water supplies do not materialize without disclosing, or proposing mitigation for, the environmental effects of such truncation." (*Id.* at p. 447.) MM 3.13-3 falls squarely under the description. The DEIR cannot rely on this measure to avoid or mitigate significant impacts to water resources. Impacts will, therefore, remain significant and unavoidable unless address properly in a revised DEIR.

- The DEIR lacks substantial evidence to support its evaluation and conclusions regarding cumulative impacts to water resources. As described above, the Master Plan will result in a 505 AFY shortfall in necessary water to serve the project. This water will need to come from somewhere and the DEIR will need to address impacts to those other sources from this new demand. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 729–30 (EIR must include data indicating volume of water used by all cumulative projects in order to evaluate cumulative water impacts).) As part of this

analysis, the DEIR should evaluate impacts to cumulative water demands on those sources, including demand associated with General Plan buildout as well as climate change.

Chapter 4.0 – Alternatives to the Project

The DEIR lacks substantial evidence to support its evaluation of identified alternatives or a finding of infeasibility, which will be required to certify the EIR. None of the alternatives provide quantitative data or analysis regarding potential increases or decreases in impacts. This information is needed to fully evaluate the feasibility and desirability of each alternative. Nor does the DEIR provide evidence regarding financial feasibility of certain alternatives, such as Alternatives 2 and 5. CEQA requires that the lead agency reject each alternative as infeasible at the time it certifies the EIR. (Pub. Res. Code §21081.) It is unclear how these findings will be supported in this case.

The DEIR does not include a reasonable range of alternatives that would actually reduce significant and unavoidable impacts. For instance, the following additional alternatives should be evaluated in the DEIR:

- In light of the significant shortfall in needed water supplies for the Master Plan, the DEIR should evaluate alternatives that would include additional development that would not create water demand that exceeds available supplies. If additional analysis is conduction regarding potential new water sources, this alternative could include a detailed phasing plan that would allow development to occur consistent with the specific source of new water.

- The DEIR should include an alternative that would include a design of the Slack and Grand project that reduced aesthetic impacts to levels of insignificance. As it is currently designed, this project would include buildings with up to five floors, including two floors of parking and three above-ground floors. (See Appendix B.) The DEIR acknowledges that this will create significant impacts to aesthetic resources to the public travelling on adjacent public roads and to nearby residents and schools. The DEIR should include an alternative that would eliminate this significant and unavoidable impact.

The Draft EIR Must Be Revised and Recirculated

CEQA requires that an EIR be recirculated when "significant new information is added to the EIR" prior to certification of the document. (CEQA Guidelines § 15088.5.) Recirculation is also required under any of the following circumstances:

> "(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

> (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
>
> (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
>
> (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (CEQA Guidelines §15088(a).)

Here, given the significant impacts not identified in the DEIR and the substantial new information that must be included in the DEIR to comply with CEQA, the EIR must be revised and recirculated for public review and comment. Recirculation is also advised to ensure that the Cal Poly complies with its mandate under CEQA that an "EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (CEQA Guidelines §15003(d).)

Based on the numerous comments set forth above, the City requests that Cal Poly suspend any further consideration of approving the Master Plan and prepare and recirculate for public comment a revised Draft EIR that fully discloses, analyzes, and attempts to mitigate the impacts of the Master Plan. The City remains open and available to assist Cal Poly in accomplishing these tasks. Thank you for providing the City the opportunity to provide these comments on this important Master Plan.

Very truly yours,

Whitney G. McDonald

Attachments:

Exhibit A – Agreements referenced in comments on Introduction
Exhibit B – Central Coast Transportation Consultants Memorandum
Exhibit C – September 11, 2017 Letter from Katie Lichtig to Dr. Jeffrey Armstrong

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AGREEMENT BETWEEN THE CITY OF SAN LUIS OBISPO AND CALIFORNIA POLYTECHNIC STATE UNIVERSITY REGARDING WATER AND SEWER RATES ("Agreement")

THIS AGREEMENT, made this 6th day of JUNE, 2012 by and between the CITY OF SAN LUIS OBISPO, CALIFORNIA (hereinafter referred to as "City"), and CALIFORNIA POLYTECHNIC STATE UNIVERSITY (hereinafter referred to as "University").

WITNESSETH:

WHEREAS, the City and the University agree that this Agreement is solely for the purpose of establishing appropriate water and sewer rate structures based on the Memorandum of Understanding between the City of San Luis Obispo and California Polytechnic State University Regarding Capacity Interest in City Facilities dated May 1, 2007, the 1993 Agreement between the City of San Luis Obispo and California Polytechnic State University Regarding Water and Sewer Rates dated January 5, 1993, the Agreement between the City of San Luis Obispo and California Polytechnic State University Regarding Optional Equity Interest in the Water and Sewer Systems dated January 5, 1993, and the Memorandum of Understanding between the City of San Luis Obispo and California Polytechnic State University dated January 6, 1993, collectively referred to as the "Agreement"; and

WHEREAS, the City and the University entered into a new methodology of calculating rates in January 1993, and subsequently recalculated the rates in 1998, 2003, 2007 and 2012; and

WHEREAS, the City and the University agreed at that time to a rate structure which ties the University to the City's approved Non-residential rate structure and periodic rate review, while reflecting the University's unique differences from other City customers; and

WHEREAS, it is agreed that the University is exempt from all City Water Source of Supply costs as it has its own source of supply in the Whale Rock Reservoir and as a member agency of the Whale Rock Commission pays separately for its water supply costs; and

NOW, THEREFORE, in consideration of their mutual covenants, the parties hereto agree as follows:

1. RATE STRUCTURE METHODOLOGY

Water Rate Structure

The University's rate structure for water shall be based on whatever the current rate is for

Rate Agreement

City Non-residential accounts as modified by a percentage ("ratio") that accounts for that part of the rate structure that is applicable to the University.

Using only those expenses related to water treatment and distribution, less any capacity interest in the system purchased by the University (with the University paying no percentage cost of those components related to Source of Supply) this ratio is based on the following formula: *The sum of (3 most recent fiscal years audited expenses + 1 current fiscal year projected expenses + 1 upcoming fiscal year projected expenses) divided by 5 = annual ratio*. As an example, FY 2013 rate ratio calculation would be (2009+2010+2011+2012+2013) / 5. It shall be established as outlined in paragraph 2 and shall be recalculated annually. The calculation of the current ratio for water charges is shown in Schedule A to this agreement.

Sewer Rate Structure

University - The University's rate structure for sewer shall be based on whatever the current rate is for City Non-residential accounts as modified by a percentage ("ratio") that accounts for that part of the rate structure that is applicable to the University.

Using expenses divided appropriately according to operational, capital and debt service expenses for three components: collection, pretreatment and treatment less any capacity interest in the system purchased by the University, this ratio is based on the following formula: *The sum of (3 most recent fiscal years audited expenses + 1 current fiscal year projected expenses + 1 upcoming fiscal year projected expenses) divided by 5 = annual ratio*. As an example, FY 2013 rate ratio calculation would be (2009+2010+2011+2012+2013) / 5. It shall be established as outlined in paragraph 3 and shall be recalculated annually. The calculation of the current ratio for sewer charges is shown in Schedule B to this agreement.

2. SETTING A WATER RATE RATIO

The ratio to be applied to the Non-residential water rate structure shall be determined by the City. The City shall prepare a five year analysis of the expenses for the City's water system. These expenses shall be divided appropriately according to operational, capital and debt service for three components: source of supply, treatment, and distribution. The division of expenses in this manner will therefore appear as a matrix (three columns labeled source of supply, treatment, and distribution; four rows labeled operations and maintenance, capital outlay, debt service – 2006 WTP and debt service - other).

The University's rate structure will be based only on those expenses related to water treatment and distribution, less any capacity interest in the system purchased by the University. The University shall not pay the percentage cost of those components related to Source of Supply, as the University has its own source of supply from Whale Rock

reservoir.

Schedule A sets forth this analysis for the period beginning with the execution of this Agreement and extending until June 30, 2013, and shall serve as an example for determining any changes to the ratio in subsequent annual periods. Schedule A to this Agreement shows the current five year expense analysis and related percentages as described above. In addition, the schedule provides a step by step description of the ratio-setting method.

3. SETTING A SEWER RATE RATIO

The ratio to be applied to the Non-residential sewer rate structure shall be determined by the City. The City shall prepare a prospective five year analysis of the expenses for the City's sewer system. These expenses shall be divided appropriately according to operational, capital and debt service expenses for three components: collection, pretreatment and treatment. The University's rate structure will be based on the expenses for these components less any capacity interest in the system purchased by the University. The division of expenses in this manner will therefore appear as a matrix (three columns labeled collection, pretreatment, and treatment; four rows labeled operations and maintenance, capital outlay, debt service – prepaid and debt service – other.

Schedule B sets forth this analysis for the period beginning with the execution of this Agreement and extending until June 30, 2013, and shall serve as an example for determining any changes to the ratio in subsequent annual periods. Schedule B to this Agreement shows the current five year expense analysis and related percentages as described above. In addition, the schedule provides a step by step description of the ratio-setting method.

4. AMENDMENTS TO THE RATIO

Annual review. It is the intent of both parties to meet annually no later than January, with information provided 30-days prior to the meeting, to review the prior fiscal year's analysis compared to actual expenses, review the sewer meter calibration report, consumption and rate trends, University's development and population projections, and to discuss in good faith any major assumptions significantly changing the ratio.

Resetting the ratio. In the event the City and University cannot reach agreement on the proposed applicable ratio for the next year, the ratio in existence at that time shall remain in effect until agreement is reached. The parties agree to cooperate and use their best efforts to reach agreement on the proposed ratio in an expeditious manner.

5. TERM OF AGREEMENT

Annual extensions to the term of this agreement shall be automatic, as long as all conditions described (other than the five year ratio) remain the same.

6. AMENDMENTS TO THIS AGREEMENT

Any amendment, modification, or variation from the terms of this Agreement shall be in writing and shall be effective only upon approval by both parties.

7. COMPLETE AGREEMENT

This written Agreement, including the Memorandum of Understanding between the City of San Luis Obispo and California Polytechnic State University Regarding Capacity Interest in City Facilities dated May 1, 2007, attached hereto as Attachment; the 1993 Agreement between the City of San Luis Obispo and California Polytechnic State University Regarding Water and Sewer Rates dated January 5, 1993, attached hereto as Exhibit A; the Agreement between the City of San Luis Obispo and California Polytechnic State University Regarding Optional Equity Interest in the Water and Sewer Systems dated 2007, attached hereto as Exhibit B; the Memorandum of Understanding between the City of San Luis Obispo and California Polytechnic State University dated January 6, 1993, attached hereto as Exhibit C, specifically incorporated herein by reference, shall constitute the complete agreement between the parties hereto. No oral agreement, understanding, or representation not reduced to writing and specifically incorporated herein shall be of any force or effect, nor shall any such oral agreement, understanding, or representation be binding upon the parties hereto.

8. NOTICE

The City shall provide the University with at least the same notice of proposed changes in water and sewer rates as other City customers. All notices related to this agreement shall be in writing and addressed as follows:

University

Associate Vice President of Facilities
Assistant Director of Energy, Utilities
and Sustainability
Facility Services
Cal Poly State University
San Luis Obispo, CA 93407

City

Carrie Mattingly
Utilities Director
City of San Luis Obispo
879 Morro Street
San Luis Obispo, CA 93401

Director
Contracts, Procurement and Risk Management
Cal Poly State University
San Luis Obispo, CA 93407

8. JOINT WORK PRODUCT

This agreement is the joint work product of both parties; accordingly, in the event of ambiguity no presumption shall be imposed against either party by reason of document preparation.

9. RELATIONSHIP OF PARTIES

City and the agents and employees of City in the performance of this agreement shall act in an independent capacity and not as officers or employees or agents of University. The employees of University who participate in the performance of this agreement are not agents of the City.

10. AUTHORITY TO EXECUTE AGREEMENT

Both City and University do covenant that each individual executing this agreement on behalf of each party is a person duly authorized and empowered to execute Agreements for such party.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed the day and year first above written.

Rate Agreement

ATTEST:

City Clerk

CITY OF SAN LUIS OBISPO,
A Municipal Corporation

By: _____,
Mayor

APPROVED AS TO FORM:

_____,
City Attorney

CONCUR:

Assistant Director
Energy, Utilities, Sustainability

UNIVERSITY:

By: _____
for Associate Director
Contracts, Procurement and
Risk Management

Exhibit A

AGREEMENT BETWEEN
THE CITY OF SAN LUIS OBISPO
AND CALIFORNIA POLYTECHNIC STATE UNIVERSITY
REGARDING WATER AND SEWER RATES ("Agreement")

THIS AGREEMENT, made this 1ST day of MAY, 2007, by and between the CITY OF SAN LUIS OBISPO, CALIFORNIA (hereinafter referred to as "City"), and CALIFORNIA POLYTECHNIC STATE UNIVERSITY (hereinafter referred to as "University").

WITNESSETH:

WHEREAS, the City and the University agree that this Agreement is solely for the purpose of establishing appropriate water and sewer rate structures based on the Memorandum of Understanding between the City of San Luis Obispo and California Polytechnic State University Regarding Capacity Interest in City Facilities dated May 1, 2007, the 1993 Agreement between the City of San Luis Obispo and California Polytechnic State University Regarding Water and Sewer Rates dated January 5, 1993, the Agreement between the City of San Luis Obispo and California Polytechnic State University Regarding Optional Equity Interest in the Water and Sewer Systems dated January 5, 1993, and the Memorandum of Understanding between the City of San Luis Obispo and California Polytechnic State University dated January 6, 1993, collectively referred to as the "Agreement"; and

WHEREAS, the City and the University entered into a new methodology of calculating rates in January 1993, and subsequently recalculated the rates in 1998 and 2003; and

WHEREAS, the City and the University agreed at that time to a rate structure which ties the University to the City's approved Non-residential rate structure and periodic rate review, while reflecting the University's unique differences from other City customers; and

WHEREAS, it is agreed that the University is exempt from all City Water Source of Supply costs as it has its own source of supply in the Whale Rock Reservoir and as a member agency of the Whale Rock Commission pays separately for its water supply costs; and

NOW, THEREFORE, in consideration of their mutual covenants, the parties hereto agree as follows:

Rate Agreement

1. RATE STRUCTURE METHODOLOGY

Water Rate Structure

The University's rate structure for water shall be based on whatever the current rate is for City Non-residential accounts as modified by a percentage ("ratio") that accounts for that part of the rate structure that is applicable to the University, including the Bella Montana housing development located on University owned land that is leased to the Cal Poly Housing Corporation for Cal Poly staff and faculty.

This ratio shall be established as outlined in paragraph 2 and shall be re-set every five years. The calculation of the current ratio for water charges is shown in Schedule A to this agreement.

Sewer Rate Structure

University - The University's rate structure for sewer shall be based on whatever the current rate is for City Non-residential accounts as modified by a percentage ("ratio") that accounts for that part of the rate structure that is applicable to the University.

Bella Montana - The University's sewer rate structure for the Bella Montana housing development is based on 70% of metered water use. The rate of 70% shall be applied to the metered water reading and based on whatever the current sewer rate is for City Non-residential accounts as modified by a percentage ("ratio") that accounts for that part of the rate structure that is applicable to the University. Upon completion of the Bella Montana development and full occupancy determined by Certificate of Occupancy issued for all units, and with accurate winter water use data based on full occupancy, the University's sewer rate structure for Bella Montana will change to the then current volume based sewer rate structure for single metered multi-family complexes as modified by a percentage ("ratio") that accounts for that part of the rate structure that is applicable to the University.

This ratio shall be established as outlined in paragraph 3 and shall be re-set every five years. The calculation of the current ratio for sewer charges is shown in Schedule B to this agreement.

2. SETTING A WATER RATE RATIO

The ratio to be applied to the Non-residential water rate structure shall be determined by the City. The City shall prepare a five year analysis of the expenses for the City's water system. These expenses shall be divided appropriately according to operational, capital and debt service for three components: source of supply, treatment and distribution. The division of expenses in this manner will therefore appear as a matrix of nine (three columns labeled source of supply, treatment, and distribution; three rows labeled operations and maintenance, capital outlay, and debt service).

The University's rate structure will be based only on those expenses related to water treatment and distribution, less any capacity interest in the system purchased by the University. The University shall not pay the percentage cost of those components related to Source of Supply, as the University has its own source of supply from Whale Rock reservoir.

Schedule A sets forth this analysis for the period beginning with the execution of this Agreement and extending until June 30, 2012, and shall serve as an example for determining any changes to the ratio in subsequent five year periods. Schedule A to this Agreement shows the current five year expense analysis and related percentages as described above. In addition, the schedule provides a step by step description of the ratio-setting method.

3. SETTING A SEWER RATE RATIO

The ratio to be applied to the Non-residential sewer rate structure shall be determined by the City. The City shall prepare a prospective five year analysis of the expenses for the City's sewer system. These expenses shall be divided appropriately according to operational, capital and debt service expenses for three components: collection, pretreatment and treatment. The University's rate structure will be based on the expenses for these components less any capacity interest in the system purchased by the University. The division of expenses in this manner will therefore appear as a matrix (three columns labeled collection, pretreatment, and treatment; three rows labeled operations and maintenance, capital outlay, and debt service as one or more rows).

Schedule B sets forth this analysis for the period beginning with the execution of this Agreement and extending until June 30, 2012, and shall serve as an example for determining any changes to the ratio in subsequent five year periods. Schedule B to this Agreement shows the current five year expense analysis and related percentages as described above. In addition, the schedule provides a step by step description of the ratio-setting method.

4. AMENDMENTS TO THE RATIO

Annual review. It is the intent of both parties to meet annually no later than January with information provided 30-days prior to review the prior year's analysis compared to actual expenses, review sewer meter calibration report, consumption and rate trends, University's development and population projections, and to discuss in good faith any major assumptions significantly changing the established ratio. City will forward to University the rate report and supporting documentation no later than July of each year.

Resetting the ratio. In the event the City and University cannot reach agreement on the proposed applicable ratio for the next five years, the ratio in existence at that time shall remain in effect until agreement is reached. The parties agree to cooperate and use their best efforts to reach agreement on the proposed ratio in an expeditious manner.

5. AMENDMENTS TO THIS AGREEMENT

Five year extensions to the term of this agreement shall be automatic, as long as all conditions described (other than the five year ratio) remain the same. Any amendment, modification, or variation from the terms of this Agreement shall be in writing and shall be effective only upon approval by both parties.

6. COMPLETE AGREEMENT

This written Agreement, including the Memorandum of Understanding between the City of San Luis Obispo and California Polytechnic State University Regarding Capacity Interest in City Facilities dated May 1, 2007, attached hereto as Exhibit A; the 1993 Agreement between the City of San Luis Obispo and California Polytechnic State University Regarding Water and Sewer Rates dated January 5, 1993, attached hereto as Exhibit B; the Agreement between the City of San Luis Obispo and California Polytechnic State University Regarding Optional Equity Interest in the Water and Sewer Systems dated January 5, 1993, attached hereto as Exhibit C; the Memorandum of Understanding between the City of San Luis Obispo and California Polytechnic State University dated January 6, 1993, attached hereto as Exhibit D, specifically incorporated herein by reference, shall constitute the complete agreement between the parties hereto. No oral agreement, understanding, or representation not reduced to writing and specifically incorporated herein shall be of any force or effect, nor shall any such oral agreement, understanding, or representation be binding upon the parties hereto.

7. NOTICE

The City shall provide the University with at least the same notice of proposed changes in water and sewer rates as other City customers. All notices related to this agreement shall be in writing and addressed as follows:

University

Dennis Elliot, P.E.
Manager of Engineering and Utilities
Facilities Services
Cal Poly State University
San Luis Obispo, CA 93407

Matthew J. Roberts, Director
Contract and Procurement Services
Cal Poly State University
San Luis Obispo, CA 93407

City

John Moss
Utilities Director
City of San Luis Obispo
879 Morro Street
San Luis Obispo, CA 93401

8. JOINT WORK PRODUCT

This agreement is the joint work product of both parties; accordingly, in the event of ambiguity no presumption shall be imposed against either party by reason of document preparation.

9. RELATIONSHIP OF PARTIES

City and the agents and employees of City in the performance of this agreement shall act in an independent capacity and not as officers or employees or agents of University. The employees of University who participate in the performance of this agreement are not agents of the City.

10. AUTHORITY TO EXECUTE AGREEMENT

Both City and University do covenant that each individual executing this agreement on behalf of each party is a person duly authorized and empowered to execute Agreements for such party.

Rate Agreement

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed the day and year first above written.

ATTEST:

Audrey Hooper, City Clerk

CITY OF SAN LUIS OBISPO,
A Municipal Corporation

By : David F. Romero, Mayor

APPROVED AS TO FORM:

Jonathan Lowell, City Attorney

CONCUR:

Dennis Elliot
Manager of Engineering and Utilities
Cal Poly Facility Services

UNIVERSITY:

By: Matthew Roberts, Director
Contract and Procurement Services

WATER RATE
Cal Poly State University

SCHEDULE A

Schedule of Applicable Ratio: Proposed Method

66%

Summary of Water Cost Components for 2004-2005

	Source of Supply	Treatment	Distribution	Total
Operations and Maintenance	2,296,300	1,740,000	1,641,600	5,677,900
Capital Outlay	50,200	160,100	1,265,900	1,476,200
Debt Service	79,000	844,300	182,200	1,105,500
Total	2,425,500	2,744,400	3,089,700	8,259,600
Percent Applicable to Cal Poly		23%	37%	60%

Summary of Water Cost Components for 2005-2006

	Source of Supply	Treatment	Distribution	Total
Operations and Maintenance	2,310,600	1,772,000	1,848,000	5,930,600
Capital Outlay	46,400	420,200	1,963,600	2,430,200
Debt Service	652,000	843,000	181,700	1,676,700
Total	3,009,000	3,035,200	3,993,300	10,037,500
Percent Applicable to Cal Poly		22%	40%	62%

Summary of Water Cost Components for 2006-2007

	Source of Supply	Treatment	Distribution	Total
Operations and Maintenance	2,339,300	2,469,600	2,266,600	7,075,500
Capital Outlay	789,200	293,100	6,242,200	7,324,500
Debt Service - Other	652,500	844,000	183,400	1,679,900
Debt Service - 2006 WTP	0	813,100	0	813,100
Total	3,781,000	4,419,800	8,692,200	16,893,000
Percent Applicable to Cal Poly		21%	51%	73%

Summary of Water Cost Components for 2007-2008

	Source of Supply	Treatment	Distribution	Total
Operations and Maintenance	2,381,600	2,748,700	2,307,500	7,437,800
Capital Outlay	284,200	154,500	2,055,700	2,494,400
Debt Service - Other	652,400	842,700	182,500	1,677,600
Debt Service - 2006 WTP	0	1,033,900	0	1,033,900
Total	3,318,200	4,779,800	4,545,700	12,643,700
Percent Applicable to Cal Poly		31%	36%	67%

Summary of Water Cost Components for 2008-2009

	Source of Supply	Treatment	Distribution	Total
Operations and Maintenance	2,447,700	2,871,800	2,371,600	7,691,100
Capital Outlay	283,400	109,900	2,016,700	2,410,000
Debt Service - Other	652,200	840,800	181,500	1,674,500
Debt Service WTP - 2006	0	1,032,300	0	1,032,300
Total	3,383,300	4,854,800	4,569,800	12,807,900
Percent Applicable to Cal Poly		31%	36%	67%

A-04-93-CC

AGREEMENT BETWEEN THE CITY OF SAN LUIS OBISPO AND CALIFORNIA POLYTECHNIC STATE UNIVERSITY REGARDING OPTIONAL EQUITY INTEREST IN THE WATER AND SEWER SYSTEMS

THIS AGREEMENT, made this 5th day of January, 1993, by and between the CITY OF SAN LUIS OBISPO, CALIFORNIA (hereinafter referred to as "City"), and CALIFORNIA POLYTECHNIC STATE UNIVERSITY (hereinafter referred to as "University").

WITNESSETH:

WHEREAS, the City and the University have a long-standing and unique relationship with regard to the co-development of water and sewer systems; and

WHEREAS, it is the desire of both parties to continue that relationship; and

WHEREAS, the City is upgrading both its water treatment plant and sewer treatment/collection systems; and

WHEREAS, the University wishes to update prior agreements regarding its operational needs and related equity interest in the City's water and sewer system; and

WHEREAS, maintaining an equity interest in the City's water and sewer systems is solely at the option of the University.

NOW, THEREFORE, in consideration of their mutual covenants, the parties hereto agree as follows:

1. WATER SYSTEM

The anticipated modifications to the Water Treatment Plant will assure continuing compliance with drinking water quality regulations as well as modernize the facility. The University wishes to purchase an equity interest equivalent to 1000 acre feet/year or .9 mgd. The plant design allows a factor of 1.6 for peaking requirements. Multiplied by .9 mgd, the University would require 1.44 mgd capacity in the 16.0 mgd plant.

If it chooses to maintain an equity interest in the plant at the required level, the University agrees to pay the percentage obtained by the division of 1.44 mgd (University's equity) by 16.0 mgd (plant capacity), or 8.93%, of the total project cost.

The estimated cost to the University is $1,020,000, which will be refined upward or downward by letter when the project construction is complete, subject to the total contribution ceiling noted in paragraph three of this agreement.

2. SEWER SYSTEM

The current upgrade to the sewer system has three phases. One phase upgrades the collection system ("relief sewer main"). The other two phases upgrade the Treatment plant. The upgrades to the Wastewater Treatment Plant relate to meeting discharge requirements. The capacity of the plant will remain at 5.1 mgd. The University wishes to purchase an equity interest in the Treatment Plant equivalent to .471 mgd. The current equity interest in the collection system is 1.2 mgd, required due to infiltration and inflow and wet weather peak flows.

A. Treatment Plant

If it chooses to maintain an equity interest in the plant at the required level, the University agrees to pay the percentage obtained by the division of .471 mgd (University's interest) by 5.1 mgd (plant capacity), or 9.24%, of the total project cost.

The estimated cost to the University is $2,700,000, which will be refined upward or downward by letter when project construction is complete, subject to the total contribution ceiling noted in paragraph three of this agreement.

B. Collection System

If it chooses to maintain an equity interest in the collection system at the 1.2 mgd level, the University agrees to pay 7% of the total cost for the relief sewer main.

The estimated cost to the University is $284,000, which will be refined upward or downward by letter when project construction is complete, subject to the total contribution ceiling noted in paragraph three of this agreement.

The availability of funds for this agreement is contingent upon the approval by the Legislature and Governor of necessary funding in the State budget for the fiscal years included in this agreement.

3. RECEIPT OF FUNDS

If the University chooses to exercise its option to maintain an equity interest in either the City's water or sewer systems, the University's contribution must be received by June 30, 1995. The estimated costs set forth in paragraphs one and two may be adjusted between categories based upon actual costs provided. The total University contribution for the water and sewer system upgrades will not exceed $4,004,000. Exercising this option will reduce the percentage ratio of commercial rate structure owed by the University as set forth in the Agreement between the City and the University regarding water and sewer rates, dated January 5, 1993. The adjusted water ratio is described in paragraph 2B of Exhibit A of that Agreement; and the adjusted sewer ratio is described in paragraph 2B of Exhibit B of that Agreement.

4. NOTICE

All notices related to this agreement shall be in writing and addressed as follows:

University	City
Norm Jacobson, Energy Coordinator Facilities Administration Cal Poly State University San Luis Obispo, CA 93407	City Clerk City of San Luis Obispo P.O. Box 8100 San Luis Obispo, CA 93406
Ray Macias, Director Support Services Cal Poly State University San Luis Obispo, CA 93407	

5. AGREEMENT CONTAINS ALL UNDERSTANDINGS

This document represents the entire and integrated Agreement between the City and the University, and supersedes all prior negotiations, representations, or Agreements, either written or oral, except as described in a separate Memorandum of Understanding by and between the parties. This document may be amended only by written instrument, signed by both City and University. All provisions of this Agreement are expressly made conditions. This Agreement shall be governed by the laws of the State of California.

IN WITNESS WHEREOF, CITY and UNIVERSITY have executed this Agreement the day and year first above written.

UNIVERSITY

By _____
Director of Support Services
Ray Macias

CITY OF SAN LUIS OBISPO

By _____
Mayor Peg Pinard

ATTEST:

_____
Diane Gladwell, City Clerk

APPROVED AS TO FORM:

_____
Jeffrey G. Jorgensen, City Attorney

MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE CITY OF SAN LUIS OBISPO ("City") AND CALIFORNIA POLYTECHNIC STATE UNIVERSITY ("University") REGARDING CAPACITY INTEREST IN CITY FACILITIES

This MOU is made this 1st day of May 2007 by and between the City and the University.

Recital

This MOU is intended to clarify the University's capacity interest (referenced in prior agreements as an "equity interest") in the City's water and wastewater treatment facilities as more specifically set forth in the 1993 Agreement between the City of San Luis Obispo and California Polytechnic State University Regarding Water and Sewer Rates dated January 5, 1993, exhibit A, the Agreement between the City of San Luis Obispo and California Polytechnic State University Regarding Optional Equity Interest in the Water and Sewer Systems dated January 5, 1993, exhibit B, and the Memorandum of Understanding between the City of San Luis Obispo and California Polytechnic State University dated January 6, 1993, exhibit C.

Capacity

The City and University agree to work together in the planning and development of facilities to ensure that adequate capacity in the City's water and wastewater treatment facilities is available to meet the University's current and projected needs. The University agrees to provide the City with its development and population projections annually which shall include an analysis of the University's water and/or wastewater treatment capacity needs as planned and projected for the next five years. The City shall include the University's projections in its own master planning to ensure that the University's capacity needs are included in future facility upgrades and expansions.

Capacity Interest

The University has historically maintained a capacity interest in the City's water and wastewater treatment facilities sufficient to serve current and projected University needs. The University has done so by financially participating in required facility upgrades and expansions via capital contribution based on the University's desired capacity percentage share of the facilities. Maintenance of said capacity interest has ensured that the City has maintained available capacity to serve the University's needs up to the amount of the capacity interest, and as set forth in the Water and Sewer Rate Agreement, has served to reduce the University's rates. The University may elect to participate in future required upgrades and expansions to the City's water and wastewater treatment facilities and realize the resultant reduced rates. The University's capacity interest in the City's facilities shall be calculated as water treatment average demand equivalent to 1,000 acre feet as calculated on an annual basis and wastewater effluent daily dry weather flow as calculated on a monthly average of .471 million gallons daily (MGD).

Authority to Execute Memorandum of Understanding

Both the City and University agree that each individual executing this memorandum of understanding on behalf of each party is a person duly authorized and empowered to execute agreements for such party.

The parties hereto have caused this memorandum of understanding to be executed the day and year first above written.

UNIVERSITY

By: _____
Matthew Roberts, Director
Contract and Procurement Services

CITY OF SAN LUIS OBISPO,
A Municipal Corporation

By: _____
Ken Hampian, City Administrative Officer

MEMORANDUM

To: John Dunn
City Administrative Officer
City of San Luis Obispo

Date: January 6, 1993

From: Frank Lebens
Interim Vice President for Business Affairs
California Polytechnic State University

Subject: **MEMORANDUM OF UNDERSTANDING**
Water and Sewer Rates/Water and Sewer Systems

WHEREAS, the City of San Luis Obispo and California Polytechnic State University have a longstanding and unique relationship with regard to the co-development of water and sewer systems; and

WHEREAS, it is the desire of both parties to continue that relationship; and

WHEREAS, the City of San Luis Obispo is upgrading both its Water Treatment Plant and Sewer Treatment/Collection Systems; and

WHEREAS, other City of San Luis Obispo utility customers have experienced periodic rate increases due to changing costs; and

WHEREAS, both the City of San Luis Obispo and California Polytechnic State University have met and agreed to update the rate structure to reflect changing costs and the new capital projects; and

WHEREAS, Cal Poly State University wishes to update prior agreements regarding its operational needs and related equity interest in the City of San Luis Obispo's water and sewer system; and

WHEREAS, maintaining an equity interest in the City of San Luis Obispo's water and sewer systems is solely at the option of the University:

NOW, THEREFORE, agreements setting the conditions and terms for this relationship have been developed by both parties wherein a payment schedule has been agreed to by both parties which would be funded through California Polytechnic State University's Major Capital Outlay Program, such funding expected to be approved for fiscal year 1994-95.

TERMS AND CONDITIONS:

The funding formula set forth in the referenced agreements by California Polytechnic State University assumes no equity contribution to the City of San Luis Obispo for the upgrading of its Water Treatment Plant and Sewer Treatment/Collection Systems.

If the University chooses to maintain an equity interest and funding is available, the fees will be recalculated as stated in paragraph 2B of Exhibit A and paragraph 2B of Exhibit B of the Agreement Regarding Water and Sewer Rates.

If this Memorandum of Understanding is acceptable, please sign, date, and return the attached copy to me. Thank you.

ACCEPTED:

City of San Luis Obispo

by: _____ January 6, 1993

John Dunn
City Administrative Officer

Date

AGREEMENT FOR EMERGENCY SERVICES BETWEEN CALIFORNIA POLYTECHNIC STATE UNIVERSITY AND THE CITY OF SAN LUIS OBISPO

THIS AGREEMENT is entered into on July 1, 2013, by and between California Polytechnic State University (hereafter referred to as "University") and the City of San Luis Obispo (hereafter referred to as "City"). The County of San Luis Obispo, a political subdivision of the State of California (hereinafter referred to as "County") is hereby made a party to this Agreement for the limited purposes set forth below.

WITNESSETH:

WHEREAS, prior to 1996, University operated an institutional fire department. As a result of dire fiscal circumstances, University sought a more cost-effective solution to its fire protection and emergency medical service requirements. Unlike every other campus in the California State University system, University is situated in an unincorporated area and has more than one-third of its students living on campus. The unincorporated areas of San Luis Obispo County are served by Cal Fire for delivery of fire protection. Upon investigation, it was determined that University required an increased level of fire protection service for the main campus which is characterized by dense development including high-rise academic buildings and residence halls housing nearly 7,000 full-time residents that could not be provided to the level of service available from Cal Fire. As a result, University negotiated an agreement directly with the City of San Luis Obispo to provide these crucial services to campus on a fee-for-service basis. Since 1996, the City has tailored its services to best meet University's unique demands through purchase of specialized equipment, on-campus training and inclusion of University in its overall strategic fire service planning. The necessity and value of this Agreement have increased in proportion to University's growing student population and facilities.

WHEREAS, the University is desirous to maintain a nearly 20-year relationship and have the City continue to provide personnel, equipment, materials, and supervision required to respond to structure and other hostile fires (a hostile fire differs from a friendly fire, which burns in a place where it was intended to burn, such as one confined to a fireplace or furnace), medical emergencies, disaster response, and other agreed upon incidents on the main campus of the University; and

WHEREAS, the San Luis Obispo City Council has authorized staff to negotiate the terms of an agreement to provide such services to the University.

WHEREAS, the interests of the City and the University would be served by entering into this Agreement.

WHEREAS, the County consents to the City's continued provision of increased fire protection services to the University which is situated within the County's local responsibility area, upon the terms and conditions agreed to by the City and the University as set forth herein.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services Components.

The City agrees to provide personnel, equipment, materials, and supervision required to respond to structure and other hostile fires, medical emergencies, disaster response, and other agreed upon incidents in the Service Area, which is the main campus of the University. The specific services shall be more thoroughly outlined as follows:

Exhibit A	-	Services Performed
Exhibit B	-	Scope of Service
Exhibit C	-	Service Area
Exhibit D	-	San Luis Obispo City and Cal-Fire Response to Incidents within University Contract Service Area

All services shall be provided in compliance with applicable federal and state laws and regulations, or in the absence of such laws or regulations, in compliance with recognized performance standards for similar services. The City shall respond, within its capacity, to provide services upon being notified by the University. Nothing in this Agreement shall be construed to waive, limit, or impair any defenses or immunities available to the parties by statute, at law or in equity, or otherwise in the performance of fire protection and emergency services activities.

2. Difference in Conditions

The University and City recognize differences in design, building and fire code application in the City and on the campus. California State Fire Marshal has jurisdiction over State property and is responsible for the compliance of facilities and operations with applicable fire and safety codes as well fire safety design of facilities and supporting infrastructure. The City of San Luis Obispo fire and emergency response resources have been designed to operate within the City. Operations on the campus may be at a disadvantage when conditions such as but not limited to accessibility, fire flows, hydrant locations, fixed fire protection systems, and alarms systems are different than conditions within the City of San Luis Obispo.

3. Administration.

a. Contact Personnel. The City designates the Fire Chief or his/her designee as a single point of contact for coordination of service to the University. The University designates the University Police Chief or his/her designee as a single point of contact for the coordination of services from the City.

b. University. Herein "University" shall include the State of California, the Trustees of the California State University, California Polytechnic State University, San Luis Obispo, all Auxiliary Organizations, each of their officers, officials, employees, authorized representatives, agents, directors, and volunteers.

c. Unified Command. In general, emergency operations on the University campus shall be conducted through unified command between the City and the University.

d. Cooperation. To facilitate the performance of the services components (above), it is hereby agreed that the City and University shall fully cooperate with each other, including but not limited to the following:

(1) The University will cooperate with the City in assisting with the training of City personnel for familiarization of, and access to, all facilities of the University.

(2) University employees, equipment, and supplies (such as trade persons, police, hazardous materials technicians, heavy equipment, etc.) shall be available for assistance to the City in mitigating emergencies.

(3) City personnel shall, upon identification of a life safety and/or fire hazard within the service area, notify the designated University contact and/or University Police Watch Commander. The City's Battalion Chief shall maintain close contact with the University when the City is operating (emergency or non-emergency) on campus.

(4) The University will make every effort to notify City Dispatch (781-7312) of changes in the following areas: access points, road conditions and closures (major thoroughfares only), new buildings or changes in building use, major events and significant changes in hazardous materials storage or use as soon as possible and will confirm in writing.

(5) The City will continue to conduct training, provide advice and assistance to the University with issues, such as fire prevention, water system, and hydrant maintenance. The City, when requested by the University, will act as a Technical Specialist on hazardous materials and fire prevention concerns.

e. Personnel Status. While involved in the execution of this Agreement, regularly employed personnel of the City and the University shall remain employees of their respective agencies, and shall remain subject to the rules and regulations of their own agency in all matters of employment, including but not limited to benefits, medical and life insurance, and worker's compensation insurance.

4. Compensation.

University will pay City in accordance with the below schedule. These annual sums will be paid in four equal installments in advance each quarter beginning July 1 for the duration of the Agreement. In addition, the University will pay City at the end of each contract year for additional services as defined in Attachment A section 7, for services requested and received by the University.

Payment Schedule

1	2	3	4	5
2013/14	2014/15	2015/16	2016/17	2017/18
$270,684	$270,684	$273,391	$276,125	$284,408

5. Term

It is the desire of the University to form a long-term relationship with the City for fire related emergencies. The term for this agreement shall be five years, commencing July 1, 2013 and expiring June 30, 2018. Prior to the expiration of this contract, the parties agree to meet and discuss renewal of this Agreement, if not sooner terminated as provided herein.

6. Reports

The City will provide a copy of all reports dealing with emergency response to the campus, and will provide quarterly reports of service provided to the University.

7. Termination.

Either party, upon the giving of six (6) months advance written notice, may terminate this agreement.

8. Indemnification.

City shall defend, indemnify, hold harmless and protect the State of California, the Trustees of the California State University, California Polytechnic State University, San Luis Obispo, all Auxiliary Organizations, and each of their officers, officials, employees, authorized representatives, agents, and volunteers (the "University") from and against any and all cost, damage, expense, liability, loss (including without limitation to costs and fees of litigation) of every nature arising out of or in connection with City's (including any sub*contractor*, anyone directly or indirectly employed by anyone for whose acts any of them may be liable) performance of work hereunder or failure to comply with any of its obligations contained in the agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the University.

Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not parties to this contract or affect the legal liability of either party by imposing any standard of care respecting emergency services different from the standard of care imposed by law.

It is understood and agreed that neither City, nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be

done by the University under or in connection with any work, authority or jurisdiction delegated to the University under this Agreement. It is also understood and agreed that University shall defend, indemnify and save harmless the City, all officers and employees from all claims, suits or actions of every name, kind and description brought for or on account of injuries to or death of any person or damage to property resulting from anything done or omitted to be done by the University under or in connection with any work, authority or jurisdiction delegated to the University under this Agreement except as otherwise provided by statute.

University shall defend, indemnify, hold harmless and protect the City, and its officers, employees, representatives, agents and volunteers from and against any and all cost, damage, expense, liability, loss (including without limitation to costs and fees of litigation) of every nature arising out of or in connection with University's performance of work hereunder or failure to comply with any of its obligations contained in the agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the City.

9. Insurance

City shall provide financing for losses related to the performance of this contract to support the City's obligation to defend, indemnify, and protect the University from losses including claims for bodily injuries, personal injury, property damage and/or contractual liability which may arise from or in connection with the products, performance of the work, and/or completed operations of the work hereunder by or for the City.

City's financing for losses related to the performance of this contract shall be primary to any financing of losses related to the City's performance of this contract by the State of California, the Trustees of the California State University, California Polytechnic State University San Luis Obispo, and each of their officers, officials, employees, authorized representatives, agents, and volunteers, the "University".

City agrees to look solely to its loss financing for recovery in the event of any losses for which the City is held liable.

City agrees that any loss financing maintained by the University shall be excess and shall not contribute to City's loss financing.

City shall at its expense purchase and maintain in full force and effect insurance coverage as required by this section.

City's obligations to obtain and maintain all required insurance are non-delegable duties under this contract.

City provided insurance shall be primary to any insurance of the State of California, the Trustees of the California State University, California Polytechnic State University San Luis Obispo, and each of their officers, officials, employees, authorized representatives, agents, and volunteers, the "University".

If excess, the insurance shall stand in an unbroken chain of coverage excess of the City's scheduled underlying primary coverage.

In either event, any other insurance maintained by the University shall be excess of the City's insurance and shall not be called upon to contribute with it.

Insurance is to be placed with insurer(s) authorized to issue such insurance in the State of California with current A.M. Best's rating of no less than A:VII, unless otherwise approved by the University.

City shall submit to the University, certificates of insurance, original amendatory endorsements and other documentation as required by this contract.

The University shall not by reason of inclusion as additional insured incur liability to the insurance carriers for payment of premiums for such insurance.

Required insurance and/or its successor policy must be in effect for the duration of the project or lease and for extended reporting period(s) as required by this contract.

Insurance policy renewal documentation (endorsement and policy) shall be received by the University a minimum of ten (10) working days in advance of the expiration date shown on the current policy.

Failure of the City to maintain or renew coverage or to provide evidence of renewal or successor policy may be treated by the University as a material breach of contract.

If the University is damaged by the failure of the City to provide or maintain the required insurance, the City shall pay the University for all such damages.

The University reserves the right to review and approve of insurance provided by the City.

Approval of City provided insurance shall not limit the extent to which the City may be held responsible for payment for losses including claims for bodily injury, personal injury, property damage and/or contractual liability which may arise from or in connection with the products, performance of the work, and/or completed operations of the work hereunder by or for the City.

The University reserves the right to approve of any deductible/self insured retention (SIR).

Any deductible or self insured retention (SIR) under any policy of insurance required shall be City's liability.

At the discretion of the University, City shall submit proof of ability to fund deductible/SIR and/or City shall reduce or eliminate such deductibles or self insured retentions that may apply to the University.

City shall waive and cause to be waived the rights of subrogation against the University by the City, subcontractors, insurance company or loss financing program which may assume subrogation rights.

City shall ensure that its subcontractors are covered by insurance in the amount and type required by this article.

City shall include all subcontractors as insureds under its policies or shall require separate certificates and endorsements for each subcontractor.

Acceptance and review of subcontractor insurance documents is the responsibility of the City.

City shall supply the University with a list of all subcontractors showing whether they have individual insurance policies or are covered by the City's insurance.

City shall certify that subcontractors are either covered by City's insurance or that Subcontractor's individual insurance meets the requirements of this article.

Any deficiencies in compliance with the requirements of this article found in any subcontractor insurance shall be covered by the City's financing for losses.

Contract shall not be executed and no work shall commence until City has obtained all insurance required and provided the required documentation that the insurance is in effect and the University has approved such insurance.

No subcontractors shall commence work on its subcontract until the insurance required of the Subcontractor has been obtained and proof of insurance is accepted by the University.

The University reserves the right to require complete, certified copies of all insurance policies, including endorsements affecting the coverage specified.

The University reserves the right to modify these specifications for the benefit of the University.

In the event the City does not comply with these insurance requirements, the University may, at its option, provide insurance coverage to protect the University. The cost of the insurance shall be paid by the City and, if prompt payment is not received, may be deducted from contract sums otherwise due the City.

Required coverage shall not extend to any indemnity coverage for the active negligence of the University in any case where an agreement to indemnify the University insured would be solely invalid under Subdivision (b) of Section 2782 of the Civil Code for construction contracts (construction contracts with public agencies).

Forms

University provided forms are preferred. Alternate documents submitted must comply with all requirements, providing equivalent or better coverage as specified in this article.

All insurance certificates, endorsements, policies and claim forms required shall be submitted to:

California Polytechnic State University
San Luis Obispo, CA 93407

Attn: Contract and Procurement Services

Certificates

City shall furnish University with original certificates evidencing required coverage. Certificates shall include the following:

Name and Address of Agent/Broker
Named and Address of Insured
Name of insurance company issuing each policy
A.M. Best's Rating and Financial Size for each company
Type of Insurance
Comprehensive or Commercial General Liability
Claims Made or Occurrence
Business Automobile Liability
Categories of autos covered and any additional coverage
Workers Compensation & Employer Liability
Partners, proprietor, executive ex/included
Excess or Umbrella Liability
Policy Number
Policy Period (start and end date)
Limits (Occurrence, Claim, Accident, Event, Injury, Disease, Aggregate)
Deductibles / Self Insured Retention
Description and Location of Operations and/or Property Covered
Agreement or Contract Number
Identification of interest(s) in property

Certificates shall state:

"The State of California, the Trustees of the California State University, California Polytechnic State University San Luis Obispo, all auxiliary organizations, and each of their officers, officials, employees, authorized representatives, agents, directors, and volunteers, the "University" are designated as Additional Insured".

The Insurers named above agree that the insurance described above shall be primary as respects the University, or if excess shall stand in an unbroken chain of coverage excess of the City's underlying primary coverage. In either event, any other insurance maintained by the University shall be excess of this insurance and shall not be called upon to contribute with it.

The Insurers named above waive any right of recovery the Insurers may have against the University when the insured has agreed to such waiver in writing prior to loss.

"Coverage described herein shall not be modified, changed or cancelled without thirty (30) days advance written notice or cancelled for non payment without ten (10) days' advance written notice to the University."

Certificate Holder:
California Polytechnic State University

San Luis Obispo, CA 93407
Attn: Contract and Procurement Services"
Certificates shall be signed by an authorized representative of the insurer and indicate date of issue.

Endorsements

City shall furnish original amendatory endorsements as required by the insurance specifications in this article. In general, all endorsements shall include the following:

Name of Insurer
Policy Number
Endorsement Number

Type of Insurance Modified

Schedule:

"The State of California, the Trustees of the California State University, California Polytechnic State University San Luis Obispo, all auxiliary organizations, and each of their officers, officials, employees, authorized representatives, agents, directors, and volunteers, the "University" are designated as Additional Insured".

Signature of authorized representative
Address
Form Number, if any

The City shall provide the following General Liability coverage:

Primary insurance coverage against claims for injuries to persons or damages to property which may arise from or in connection with the products and materials supplied to the University.

Minimum limits - $5 million occurrence, $10 million aggregate

Coverage provided shall be at least as broad as: ISO Commercial General Liability, Occurrence Form, CG 00 01.

Policy shall be endorsed to provide coverage at least as broad as ISO CG 20 10 11 85.

Endorsement shall designate:

The State of California, Trustees of the California State University, California Polytechnic State University San Luis Obispo, and each of their officers, officials, employees, authorized representatives, agents and volunteers, the "University" as an Additional Insured.

Endorsement shall state this insurance shall be primary as respects the University, or if excess, shall stand in an unbroken chain of coverage excess of the Named Insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the University scheduled above shall be in excess of this insurance and shall not be called upon to contribute with it.

Endorsement shall state that Insurer named above waives any right of recovery the Insurer may have against the University when the Insured has agreed to such waiver in writing prior to loss.

Endorsement shall state that coverage shall not be cancelled, changed, or modified except after thirty (30) days' advance written notice has been given to the University. (10 days advance written notice for non-payment)

Endorsement shall state that coverage shall not extend to any indemnity coverage for the active negligence of the University in any case where an agreement to indemnify the University would be invalid under Subdivision (b) of Section 2782 of the Civil Code (construction contracts with public agencies).

City to submit: University provided certificate and endorsements, or equivalent forms acceptable to the University effecting required coverage.

The City shall provide the following Automobile Liability coverage:

Primary insurance coverage against claims with respect to liability arising out of automobiles owned, hired or non-owned by or on behalf of the City.

Coverage shall include bodily injury, property damage, contractual liability, and uninsured/underinsured motorist.

Minimum $ 5 million combined single limit

Policy shall be endorsed to provide coverage at least as broad as ISO Business Auto Coverage Form CA 00 01 (owned, scheduled, non-owned, and hired autos) including coverage for uninsured and underinsured motorists and contractual liability.

Endorsement shall designate:

"The State of California, the Trustees of the California State University, California Polytechnic State University San Luis Obispo, all auxiliary organizations, and each of their officers, officials, employees, authorized representatives, agents, directors, and volunteers, the "University" are designated as Additional Insured".

As Additional Insured

Endorsement shall state that this insurance shall be primary as respects the University, or if excess, shall stand in an unbroken chain of coverage excess of the Named Insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the University

scheduled above shall be in excess of this insurance and shall not be called upon to contribute with it.

Endorsement shall state that Insurer named above waives any right of recovery the Insurer may have against the University when the Insured has agreed to such waiver in writing prior to loss.

Endorsement shall state that coverage shall not be cancelled, changed, or modified except after thirty (30) days' advance written notice has been given to the University. (10 days advance written notice for non-payment)

City to submit: University provided certificate and endorsement or equivalent forms acceptable to the University effecting required coverage.

The City shall provide the following Workers Compensation and Employer's Liability Coverage:

Primary insurance coverage against claims with respect to obligations imposed on the City and subcontractor's by State workers compensation statutes and damages that the City becomes legally obligated to pay because of bodily injury by accident or disease to an employee.

Minimum limits: amount proscribed by California law for Workers Compensation, $1,000,000 for Employer's Liability.

Policy shall be endorsement to state that Insurer named above waives any right of recovery the Insurer may have against the University when the Insured has agreed to such waiver in writing prior to loss.

Endorsement shall state that coverage shall not be cancelled, changed, or modified except after thirty (30) days' advance written notice has been given to the University. (10 days advance written notice for non-payment)

City to submit: University provided certificate and endorsement or equivalent forms acceptable to the University effecting required coverage.

10. Priorities

The University recognizes there will be priorities that will dictate the City's capabilities. Subsequent to prioritizing emergencies based on life safety, the City will deliver available resources to assist the University in its mitigation efforts. If additional emergency response resources are needed, they will be accessed through the Mutual Aid system already in place.

11. Notices.

Any notice required to be given pursuant to the terms and provisions hereof shall be in writing and shall be sent by certified or registered mail to the

University at: City at:

George Hughes
Police Chief
California Polytechnic State University
San Luis Obispo, CA 93407

Charlie Hines
Fire Chief
San Luis Obispo City Fire Department
2160 Santa Barbara Ave.
San Luis Obispo, CA 93401-5240

12. Agreement Contains all Understandings.

This document represents the entire and integrated Agreement between the City and the University, and supersedes all prior negotiations, representations, or Agreements, either written or oral. The Agreement may be amended only by written instrument, signed by both City and University. All provisions of this Agreement are expressly made conditions. This Agreement shall be governed by the laws of the State of California.

IN WITNESS THEREOF, City and University have executed this Agreement the day and year first above written.

[SIGNATURES ON FOLLOWING PAGE]

CALIFORNIA POLYTECHNIC STATE UNIVERSITY

By:_____
Dru Zachmeyer
Director
Contracts & Procurement

CITY OF SAN LUIS OBISPO

By:_____
Jan Howell Marx, Mayor

ATTEST:

Maeve Kennedy Grimes, City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick, City Attorney

RITA L. NEAL
County Counsel

BY:_____
Chief Deputy County Counsel

APPROVED AS TO CONTENT:

County Board of Supervisors

By:_____

Its:_____

ATTEST:

Julie L. Rodewald, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

ATTACHMENT A
SERVICES PERFORMED

1. Fire Suppression

City shall provide personnel, equipment, materials and supervision for suppression of structure and other hostile fires on the main campus (Service Area) of the University, as available.

Fire suppression shall include those universally accepted activities, which bring a hostile fire under control and render the property safe from further damage.

Fires to be suppressed shall include (but are not limited to): structure, rubbish, trash container, automobile, vegetation adjacent to structure and other such fires which are evaluated from the initial report to be of significance or beyond the capabilities of the University's response.

2. Extrication/Rescue Emergencies

City shall provide personnel, materials, equipment and supervision for emergency extrication of students, faculty, staff, guests, and visitors on the main campus (Service Area) of the University, as available.

Rescue includes: extrication of trapped persons from vehicles, machinery, cave-ins, structure collapses, confined spaces, fire, and other significant situations, which may require assistance. The City will provide emergency medical treatment for rescue situations, as it is available.

The City's response to elevator problems will be limited to situations where the University has determined that an emergency exists.

3. Fire Alarms

The University shall maintain all campus alarm systems. University personnel will evaluate a reporting alarm prior to notifying City dispatch. The City shall respond one engine "Code 3" and one engine "Code 2" to water flow alarms in buildings with sprinkler systems. The University will screen all other alarms and will notify the City when confirmation is made that a fire or other emergency is in progress or likely.

4. Pre-Hospital Emergency Care

University has established an Emergency Medical Dispatch (EMD) program that will determine the priority of a medical emergency and provide pre-arrival instructions to the caller. The City agrees to provide emergency medical support to the University for Priority One (ALS) type calls as outlined in the EMD Program.

5. Hazardous Materials

City shall provide trained personnel as indicated by the Code of Federal Regulations 29 "First Responder Capabilities" to the University, as available. It is the intent that the City will share in a unified command of any hazardous materials incidents based on the availability of responding University personnel.

Response to the threat of or release of hazardous materials shall include: evacuation of affected area, identification of substances, containment of substances, protective actions for people, environment and property.

The University will provide technical support of qualified staff (within the University's capacity and to the extent available) to assist the City with hazardous materials response. The City will provide supplies and materials normally associated with first response. The University will arrange for hazardous materials response beyond the capability of the City including the removal and disposal of the hazardous material(s).

The City shall act, when required, as the University's representative on the San Luis Obispo County Regional Hazardous Materials Response Team. The University will continue to participate on the team during the term of the agreement. The City and the University will operate a unified command on any hazardous materials emergency that should occur on the campus.

6. Disaster Preparedness

The University has developed and maintains at a high state of readiness, a multi-hazard disaster response plan. Included in this plan is the establishment and operation of a University Emergency Operations Center as well as annexes addressing the roles of operational units of the University. The Fire Department agrees to work cooperatively with the University in following, the University's disaster plans as resources allow. The University shall provide to the City one copy of the University's disaster response plan and annual updates.

7. Additional Services

Special non-emergency situations, not specifically covered in this Agreement, may arise that are determined by the University to require resources beyond their capabilities. When requested by the University, the City may provide, at its sole discretion, resources if available. The University will compensate the City in accordance with the City Council adopted cost of services study, which is annually adjusted by the Consumer Price Index.

The following are examples of Fire Department additional services that may be available:

- flooding/storm response
- smoke removal
- electrical hazard
- bomb threats (not including Bomb Task Force)
- pipeline ruptures/water control
- animal rescues
- special events/crowd control/civil disturbances
- non-emergency stand-by

ATTACHMENT B
SCOPE OF SERVICE

The San Luis Obispo City Fire Department will respond to the University as outlined below. The San Luis Obispo Fire Department agrees that 90% of the time it will initiate response within 60 seconds of the request during day-time hours (0800-2000) and 90 seconds at night-time (2000-0800).

1. First Alarm Assignment for the University

A standard "First Alarm" assignment for the University shall consist of 2 engines, 1 ladder truck and 1 Battalion Chief code 3 from the City and 1 engine code 3 from Cal-Fire. The use of a move-up company to cover Fire Station One is required.

2. Reduced Assignment for the University

The incident being reported may not require a first alarm assignment and may, therefore, require the dispatcher to send a reduced assignment to the emergency. Anything less than a first alarm assignment is considered to be a reduced assignment.

3. Greater Alarm Assignments for the University

When an Incident Commander determines that the resources at hand may not be sufficient to both alleviate the threat presented at the University and provide adequate coverage to the City, s/he has an obligation to call for additional resources in a timely manner. This is especially critical with "working" incidents on the campus and will typically require moving quickly to greater alarm assignments immediately upon confirmation of a "working" incident. To facilitate efficiency in assigning additional resources, this department has established pre-planned greater alarm assignments and procedures.

4. Second Alarm Assignment for the University

A standard "Second Alarm" shall consist of:

- Notification of the Fire Chief.
- Call back of all off duty suppression personnel.
- Dispatch a University public works representative to the Command Post.
- Review the next alarm level in anticipation of a request by the Incident Commander.
- Notification of Cal-Fire to alert the area coordinator; in anticipation of a request for additional resources (Do not have them respond unless/until their assistance is actually requested by the Incident Commander).
- Notification of San Luis Ambulance Company and request a stand-by ambulance.

5. Third Alarm Assignment for the University

If the emergency on the campus exceeds the capabilities of a second alarm assignment as most large working structures fires will do, the Incident Commander shall request a third alarm assignment.

The third alarm assignment draws upon the resources of various fire departments throughout the County. Pre-arranged Mutual Aid agreements exist to provide assistance to the requesting agency. The Incident Commander should consider how quickly s/he needs the additional resources. If the first strike team is needed immediately, because of their close proximity to the University (e.g. E21, E12, C.M.C., etc.), they should be requested to respond to the incident's staging area and form up as a strike team upon their arrival. Due to longer travel distances of the second and third strike teams, it is best to request the mutual aid companies as a group and have them respond as a task force or strike team. A task force or strike team will automatically have a task force or strike team leader. Truck companies are always a special request, as are any specialized equipment.

A standard "Third Alarm" assignment consists of:

- All items inclusive of a "Second Alarm Assignment".
- Call back of all Fire Department staff personnel.
- One or more in-county strike team(s).
- All requested mutual aid companies will respond with minimal delay and operate on the specified radio frequency (normally County Net until on scene).

6. Special-Call Assignment for the University

Once a First Alarm Assignment has been committed to an emergency at the University, the Incident Commander may request additional companies in the following manner:

- Request a Second or Third Alarm Assignment.
- Request a "Special-Call Assignment"

Some incidents require specialized apparatus or personnel, either in place of, or in addition to, a First, Second or Third Alarm assignment. Examples might be the need for additional ladder trucks, a Hazardous Materials Response unit or a Mass Casualty Response unit. An Incident Commander requiring such specialized resources will access them through City Dispatch.

Resources outside of the City will be drawn from the County Emergency Command Center (E.C.C). Once the City Fire Dispatcher receives a request for a special call assignment from the Incident Commander for a non-city resource the following procedure shall be followed:

a. San Luis Obispo City Fire Dispatcher will call Cal-Fire via phone and have them notify the Area Coordinator of a mutual aid request for an incident on University's campus.
b. Give nature of incident and location of incident.
c. List type of assistance required and quantity of units (do not request OES or local government resources specifically – Area Coordinator will decide).
d. Give the name of the requesting Incident Commander.

e. State the urgency of the request; is it immediate need or planned need?
f. Request an ETA (Estimated Time of Arrival) of responding mutual aid units.
g. Give staging area location for the mutual aid units.
h. Request radio frequency for mutual aid resources and City resources to operate on the incident (usually White 2 unless Incident Commander specifies otherwise).

7. Principles of Operation for the University

The on-duty Battalion Chief or a University Police Officer should be the only person(s) responsible for reducing an initial assignment prior to Fire Department arrival. The first arriving Engine Company Officer may reduce an assignment after their arrival and they have determined it safe to do so.

The Fire Chief, Battalion Chief, Company Officer or Dispatcher may increase an initial response assignment if there might be a need for additional companies immediately.

If the description of the call does not meet the criteria in the response guide and it is not clear as to what should be sent initially, a first alarm assignment should be dispatched immediately.

Departure from the standard response assignment is not recommended.

When dispatching engine companies the general rule should be: Send the engine company assigned to the University (Engine-2). If another engine company is closer or the first-due company is delayed, the closest engine should be sent.

8. Response Levels Specific to the University

University 1st Alarm Assignment = 2 Engines, 1 Ladder Truck, 1 Battalion Chief
from City all code 3
1 Engine from Cal-Fire all code 3

CODE	TYPE OF INCIDENT	RESPONSE PLAN
8	Fire, unknown type	1st Alarm Assignment
8A	Fire Alarm (heat, smoke, pull)	1 eng. code 3
8AF	Fire Alarm, Water Flow	1 eng. code 3, 1 eng. code 2
8F	Fire, false alarm (not to be used with fire alarms)	After incident #
8H	Fire, electrical hazard	1st Alarm
8I	Fire, illegal burn	1 eng. code 2
8O	Fire, Refuse/Trash threatening	1st Alarm
8P	Fire, vehicle	1 eng. code 3
8R	Fire, Refuse/Trash non-threatening	1 eng. code 3
8S	Fire, structure	1st Alarm
8W	Fire, wildland (inside or outside core)	1 eng, 1 B/C code 3 Cal-Fire Response
8X	Fire, train/railcar	1st Alarm
8Z	Fire, aircraft	1st Alarm
12	Emergency, not elsewhere classified	1st Alarm or Special call out

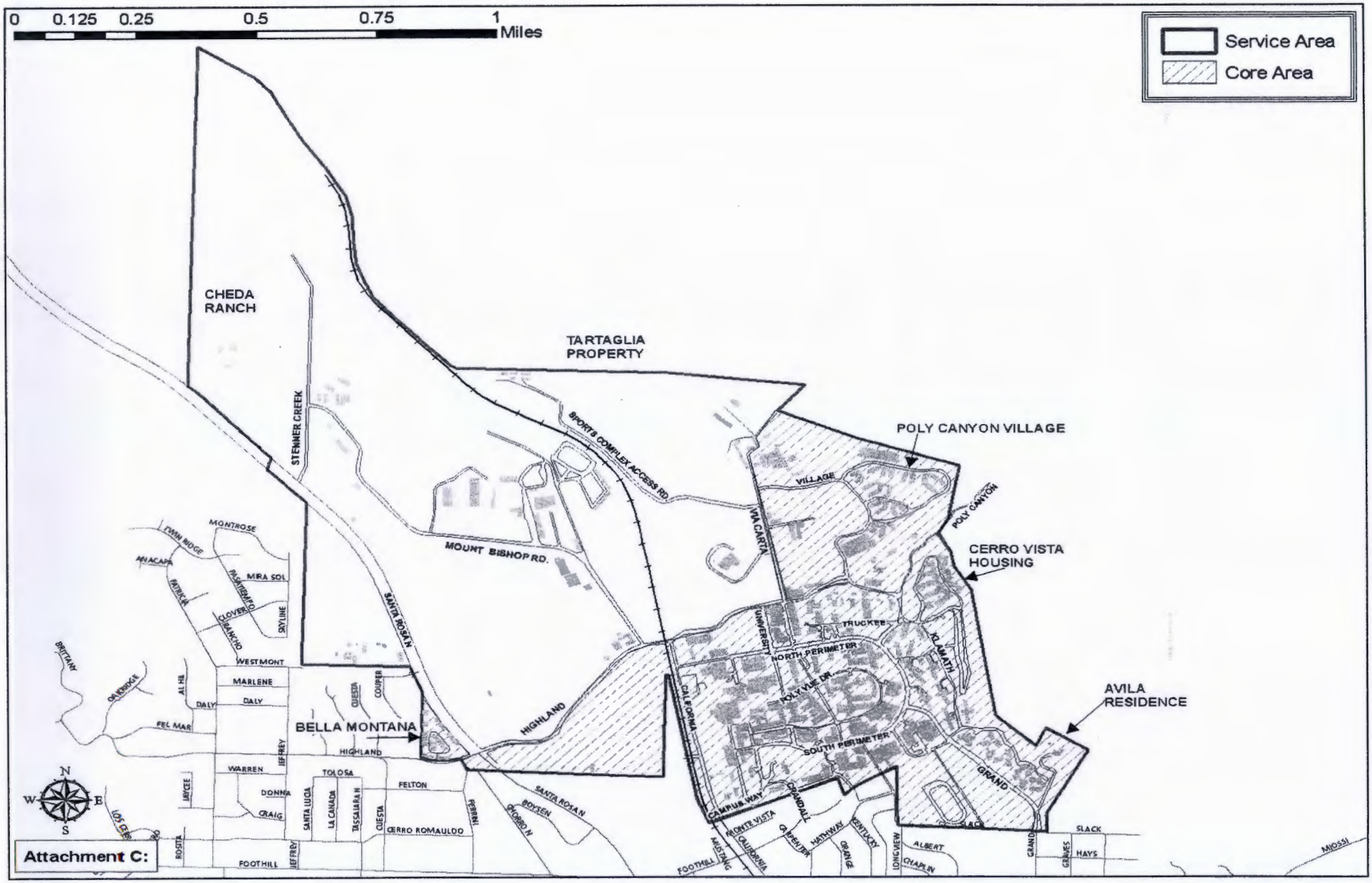
14	Medical emergency	1 eng. code 3
14B	Medical assistance, non-emergency	1 eng. code 2
14T	Traffic accident, injuries (in Core area)	1 eng. code 3
14T	Traffic accident injuries (outside Core area)	1 eng. code 3 1 eng. Cal-Fire code 3
48	Natural Gas leak outside	1 eng. code 3
48S	Natural Gas leak inside	1 eng. code 3, 1 eng. code 2
53S	Smoke check inside	1 eng. code 3, 1 eng. code 2
57	Fire reported out	1 eng. code 2, Notify Cal-Fire
83	Explosion	1st Alarm
84M	Hazardous materials threatening (State reportable)	1st Alarm

ATTACHMENT C
SERVICE AREA

The area of service of this Agreement is described as the area bounded on the south by the City of San Luis Obispo (Slack Street, Longview Avenue, Via Carta, Foothill Blvd.); bounded on the west by the City of San Luis Obispo; out Highway 1 to the Cheda Ranch Complex (included); to the north from the Cheda Ranch Complex to the Union Pacific Railroad right-of-way to the Tartaglia Ranch southern boundary, along the base of the foothills to Poly Canyon Road; and bounded on the east so as to include the facilities at the base of the foothills (Poly Canyon Road, Klamath Road, Deer Road and Grand Avenue – including all structures and parking areas) and also including those areas known as Cerro Vista Housing, Poly Canyon Village and the faculty/staff housing known as Bella Montana which is bordered on the east by Highway 1, on the south by Westmont Street and on the north and west by City jurisdiction.

University properties not included in this agreement are outlying structures of the University and wildlands non-contiguous to the main campus of the University. For example: Chorro Creek Ranch, Serrano Ranch, Peterson Ranch and the structures up Poly Canyon.

- Refer to Attachment C map of the Service Area including the "core area" to have a visual understanding of how the Service Area is divided.
- Refer to Attachment D for definition of the University "core area".
- Refer to Attachment D for those areas that are identified to be outside the "core area".


0 0.125 0.25 0.5 0.75 1 Miles
Service Area
Core Area
CHEDA RANCH
TARTAGLIA PROPERTY
POLY CANYON VILLAGE
CERRO VISTA HOUSING
AVILA RESIDENCE
BELLA MONTANA
STENNER CREEK
SPORTS COMPLEX ACCESS RD
MOUNT BISHOP RD.
SANTA ROSA N
HIGHLAND
VIA CARTA
VILLAGE
POLY CANYON
UNIVERSITY
NORTH PERIMETER
TRUCKEE
KLAMATH
POLY VUE DR.
SOUTH PERIMETER
GRAND
CALIFORNIA
CAMPUS WAY
MONTE VISTA
CRANDALL
HATHWAY
KENTUCKY
LONGVIEW
ALBERT
CHAPLIN
SLACK
HAYS
GRAVES
FOOTHILL
MEINING
MOSSI
MONTROSE
TWIN RIDGE
MINACAPA
PATRICIA
MIRA SOL
PALM TERRACE
CLOVER
SKYLINE
RANCHO
WESTMONT
BRITTANY
SKYRIDGE
ALI HI
MARLENE
DALY
FEL MAR
COUPER
QUESTA
JEFFREY
WARREN
TOLOSA
FELTON
DONNA
CRAIG
SANTA LUCIA
LA CANADA
TASSAJARA N
CERRO ROMAULDO
PERRINI
SANTA ROSAN
BOYSEN
CHORRO N
LOS OSOS
ROSITA
LAYCEE
N
W
E
S
Attachment C:

ATTACHMENT D
SAN LUIS OBISPO CITY AND CAL FIRE RESPONSE TO INCIDENTS WITHIN UNIVERSITY CONTRACT SERVICE AREA

1. Definitions

University "Core Area" Please see map in Attachment C

- Includes student and faculty housing
- East of city limits including Bella Montana
- North of city limits from Highland Drive cross of Hwy. 1 to Grand Avenue cross of Slack Street
- West of Poly Canyon gate including Cerro Vista Housing
- South of Highland Drive and Via Carta, including Poly Canyon Village

Outside "Core Area" – Please see map in Attachment C

- North of Highland, and University "Core Area"
- East of city limits
- South of San Luis Obispo Treatment Plant, and Tartaglia property including the San Luis Obispo Treatment Plant and Cheda Ranch
- West of Via Carta

SLO City – San Luis Obispo City Fire Department

Cal-Fire- California Department of Forestry and Fire Protection and San Luis Obispo County Fire Department

ECC – Cal-Fire/San Luis Obispo County Fire Department Emergency Command Center

2. Response Inside and Outside of "Core Area"

Structure Response Inside Core Area	SLO City Cal-Fire	1 Truck, 2 Engines & Battalion Chief 1 Engine
Structure Response Outside of Core Area	SLO City Cal-Fire	1 Truck, 2 Engines & Battalion Chief 1 Engine & Battalion Chief
Wildland Response Inside of Core Area	SLO City Cal-Fire	1 Engine & Battalion Chief 1 Engine
Wildland Response Outside of Core Area	SLO City Cal-Fire	1 Engine & Battalion Chief Appropriate Response per ECC **Note:** Cal-Fire has jurisdiction by statute on all State Responsibility Areas as defined in PRC 4126 & 4127. Cal-Fire does not give up any jurisdictional responsibilities for fires in SRA
Medical Aid & Traffic Collision Response Inside Core Area	SLO City Cal-Fire	1 Engine No Response
Medical Aid & Traffic Collision Response	SLO City	1 Engine

Outside of Core Area	Cal-Fire	1 Engine
Vehicle Traffic Collision on Highway 1 in Cal-Fire Response Area A36 (Highway 1 from Highland to Stenner Creek Road)	SLO City Cal-Fire	1 Engine Response per Cal-Fire Response Plan
Haz. Mat. Response Inside and Outside of Core Area	SLO City Cal-Fire	1 Engine or as appropriate per SLO City Response Card 1 Engine or as Requested

3. Fires on State Property

Cal-Fire Investigator or engine must respond to all fires on state property per Health and Safety Code Section 13107.

4. Frequencies

Command
Inside Core Area - City Net
Outside Core Area- Wildland – As Determined by the ECC
All Other Incidents – City Net

Tactical
Inside Core Area - City Tactical
Outside Core Area- White 2 or 3 as Determined by ECC

5. Incident Command Responsibility

Inside Core Area - SLO City
Outside Core Area- Unified Command on All Incidents

CAL POLY Administration & Finance
SAN LUIS OBISPO

August 4, 2016

To: Katie Lichtig, City Manager

This letter represents Cal Poly's agreement to continue the current Bus Agreement between Cal Poly University and the City of San Luis Obispo. The current agreement expires on June 30, 2016. The continued agreement assumes the following:

1. The extension is in effect until July 1st, 2017, or until a new agreement is reached – whichever occurs first. The extension needed due to the potential route and service changes resulting from the Short Range Transit Plan expected to be completed in late 2016.

2. The parties will discuss and negotiate a new Bus Agreement for the period beyond this extension, to be effective July 1st, 2017.

3. In accordance with the current Agreement, the services provided by the City will continue to meet Cal Poly student transit need as balanced with budget constraints. For example, the City provided a 'Tassajara/Library' Tripper Service to address increased student ridership.

4. Consistent with the manner in which services are modified, within budget, to match rider demands, the City and the University will collaborate on a pilot program to provide extended hour service to the Kennedy Library prior to Mid-Terms and Finals. The scope and terms of the pilot program will be determined by the City and the University. As with all services, the program will be developed in the context of the Transit budget.

5. The payment from Cal Poly will be a 3% increase over the FY 15/16 contribution; an amount consistent with the average increase over the life of the expiring agreement.

6. All terms described in the expired Bus Agreement are in effect through the extension period.

Cal Poly Signature _____

Title AVP - SBS

Date 8/11/16

City Signature _____

Title City Manager

Date Aug. 15, 2016

BUS SERVICE AGREEMENT
BY AND BETWEEN
CALIFORNIAPOLYTECHNICSTATEUNIVERSITY
AND
THE CITY OF SAN LUIS OBISPO

1. **Preamble**

The City of San Luis Obispo ("the City") operates a public transportation system in and around the San Luis Obispo area, primarily composed of its "SLO Transit" bus service ("Bus Service"). California Polytechnic State University ("Cal Poly") is a public university situated adjacent to the City.

The students, faculty and staff at Cal Poly enjoy the benefits of these Bus Services. Cal Poly students in particular constitute a significant portion of bus ridership. Cal Poly wishes to encourage student, faculty and staff utilization of these Bus Services as part of its overall transportation and sustainability strategies and as a convenience to its students.

Because the Cal Poly community represents a significant portion of the City's population, Cal Poly utilization of Bus Services also advances its transportation and sustainability goals. Furthermore, strong Cal Poly ridership enables the City to capture transportation funding from various state and federal sources in addition to the consideration paid directly by Cal Poly. These funds allow the City to provide more robust transportation services to the entire San Luis Obispo community.

In furtherance of these mutual goals and benefits, the parties hereby enter into the following Agreement. This Agreement supersedes all terms and conditions contained in the previous agreement on the same subject with a term ending June 30, 2011.

2. **Term**

The term of this agreement will commence on July 1, 2011 and end June 31, 2016. In the event that a new agreement is not executed prior to the end of this term the parties agree that any services rendered by the City at the request of Cal Poly after that date will be on a month to month basis at the then current prorated rate.

3. **Bus Services**

   a. **No Fare:** In exchange for the consideration described in Section 4, no fare of any kind shall be charged to Cal Poly students, faculty and staff upon presentation of a valid Cal Poly ID card.

   b. **Base Transit Service**

i. **Definition:** "Base Transit Service" shall be defined as all Bus Services, including all daytime and evening routes servicing the Cal Poly campus ("Cal Poly Routes"), in operation as of July 1, 2011.

ii. **Changes to Base Transit Service**

1. No Changes will be made to Base Transit Service without first notifying Cal Poly's Commuter and Access Services Coordinator ("CAS Coordinator"). Upon request, the City will meet and confer with the CAS Coordinator to discuss any such changes and their potential impacts on the Cal Poly community. During this meet and confer process, the City will, in good faith, consider any alternatives presented by Cal Poly. The City further agrees to include the CAS Coordinator in its planning and development process to the extent changes in Base Transit Service may result.

2. No changes will be made to Cal Poly Routes without having met and conferred with Cal Poly.

3. To the extent changes to Base Transit Service, whether consented to or otherwise, materially impact Cal Poly's beneficial use Bus Services provided by the City, the parties will meet and confer to discuss potential reduction of consideration as described in Section 4.

4. **Consideration**

Cal Poly agrees to pay the City in exchange for the services described in this agreement in accordance with the following terms and conditions:

a. **Payment Schedule:** Payment will be made in arrears on a prorated quarterly basis in accordance with the below schedule of annual sums. Both parties acknowledge that, while the annual percentage increases vary from year to year, it was intended that the average annual increase equal three percent (3%). This intent will be given due consideration in the event that adjustments to consideration become necessary.

FY 11/12	$380,000
FY 12/13	$395,200
FY 13/14	$403,104
FY 14/15	$415,197
FY 15/16	$427,653

b. **Adjustments to Consideration:** In the event that one or more of the following circumstances arises, the parties agree to negotiate in good faith to make reasonable adjustments to the consideration to be paid for a fixed term or for the balance of the term

of this agreement. Increases and decreases in consideration will be considered in equal measure in accordance with increases or decreases in these economic factors.

i. **Grant Funding:** Grant funding provided through federal and state programs may fluctuate during the term of this agreement. In recognition of this, the parties agree that the "Base Grant Funding Amount" will be defined as the total amount of operating assistance grant funding received by the City for the purpose of supporting and promoting public transportation services during FY 11/12. In the event that grant funding for any subsequent fiscal year either exceeds or falls short of the Base Grant Funding Amount by more than ten percent (10%), the parties agree to reopen negotiations on consideration recognizing that any mutually agreeable changes in consideration will not be effective prior to the subsequent year.

ii. **Changes to Base Transit Service:** In the event that changes are made to Bus Service as described in Section 3 because of increased operating costs or insufficient farebox recovery, the parties agree to reopen negotiations on consideration.

iii. **Fuel Prices:** The parties agree that the "Base Fuel Price" is four dollars ($4.00) per gallon of dieselfor FY 11/12. The Base Fuel Price will be increased annually by three percent (3%). If the actual average fuel cost paid by the City exceeds or falls short of the Base Fuel Price by more than fifteen percent (15%) for any six (6) month period of any fiscal year of this agreement, the parties agree to engage in good faith negotiations regarding implementation of a surcharge or credit. Any agreed upon surcharge or credit will be assessed in the subsequent fiscal year on a one-time basis. The agreed upon consideration for any remaining years will be unaffected.

5. **Full Disclosure**

The City agrees to share with Cal Poly allrelevant information and documentation relating to its operation of Bus Services. Reports and related documents on the subjects enumerated below will be provided to Cal Poly's CAS Coordinator on a regular basis as prepared during the ordinary course of business. The City will provide any other relevant documents or information upon request.

a. Revenue and expenses (operational costs)
b. Ridership
c. Farebox ratio
d. Grant funding
e. Agreement with contract operator

6. **Cooperation**

It is in the interest of both parties to cooperatively pursue any and all opportunities to reduce costs, increase revenues and to execute plans for a more efficient transportation system. To this end, both parties agree to make their respective resources available to advance the following goals and activities:

a. Bus Service promotion and marketing
b. Identify and apply for grants
c. Rider surveys
d. Bus Service planning and development
e. Cal Poly Master Plan development

7. **Insurance**

The City agrees to maintain insurance coverage as specified in Exhibit "A" for the duration of this agreement.

AGREED:

CAL POLY

Dru Zachmeyer, Associate Director
Contracts, Procurement & Risk Mgmt.

8/11/11
Date

CITY OF SAN LUIS OBISPO

By:
Its:

Date

EXHIBIT "A"

INSURANCE REQUIREMENTS

The Contractor will maintain all necessary Insurance as required herein. The Contractor shall provide a Certificate of Insurance with appropriate endorsements indicating that the required coverage is in effect on an annual basis, or for the duration of the Agreement. Contractor agrees to provide, or cause their insurance carrier to provide, at least 30 days written notice prior to cancellation or modification (10 days advance written notice for non-payment) of such liability insurance. In the event the insurance coverage expires at any time or times during the term of the Agreement, Contractor agrees to provide at least 15 days prior to said expiration date, a new certificate of insurance evidences coverage as provided herein for not less than the remainder of the term of the Agreement, or for a period of not less than one year. New certificates of insurance are subject to the approval of the CSU, and Contractor agrees that no work or services shall be performed prior to the giving of such approval. In the event the Contractor fails to keep in effect at all times insurance coverage as herein provided, the CSU may in addition to any other remedies it may have, terminate this Agreement upon the occurrence of such event. Contractor agrees to waive their right of subrogation against the CSU for any claims.

Insurance to be placed with the California Admitted insurer with current A.M. Best's rating of no less that A:VII unless otherwise approved by the CSU.

If any Insurance required herein is written on a claims-made form, following the termination of this Agreement, coverage shall survive for a period of not less than three years. Coverage shall provide for a retroactive date of placement coinciding with the Agreement commencement date.

Commercial General Liability Coverage (as broad as ISO occurrence for CG0001) primary insurance coverage against claims for injuries to persons or damages to property and/or damages to property and/or contractual liability which may arise from or in connection with the performance of the work or operations hereunder by or on behalf of the Contractor, its agents, representatives or employees in an amount not less than $1,000,000.00 (One million dollars) per occurrence; $2,000,000.00 (Two million dollars) aggregate.

Endorsements shall designate:

The State of California, Trustees of the California State University, California Polytechnic State University San Luis Obispo, and each of their officers, officials, employees, authorized representatives, agents and volunteers, the "CSU", as **additional insured(s).**

Endorsements shall state this insurance shall be primary as respects the CSU, or if excess, shall stand in an unbroken chain of coverage excess of the Named Insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the University scheduled above shall be in excess of this insurance and shall not be called upon to contribute with it.

Business Auto Liability Coverage (as broad as ISO form number CA 0001, code 1 any auto) primary insurance against claims for injuries to persons or damages to property and/or contractual liability which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives or employees covering owned, hired, agreementd and non-owned automobiles used by or on behalf of the Contractor, including coverage for uninsured and underinsured motorists, in an amount not less than $1,000,000.00 (One million dollars) per occurrence.

Endorsement shall designate:

The State of California, Trustees of the California State University, California Polytechnic State University San Luis Obispo, and each of their officers, officials, employees, authorized representatives, agents and volunteers, the "CSU", **as additional insured(s).**

Endorsement shall state that this insurance shall be primary as respects the CSU, or if excess, shall stand in an unbroken chain of coverage excess of the Named Insured's schedule underlying primary coverage. In either event, any other insurance maintained by the CSU scheduled above shall be in excess of this insurance and shall not be called upon to contribute with it.

Contractors who are sole proprietors and are using automobiles for personal transportation only may submit proof of automobile insurance as required by California law.

Worker's Compensation and Employer's Liability Coverage:

The Contractor shall provide the following coverage:

Primary insurance coverage against claims with respect to obligations imposed on the Contractor and sub contractors by State worker's compensation statues and damages that the contractor becomes legally obligated to pay because of bodily injury by accident or disease to an employee.

Minimum limits: amount proscribed by California law for Worker's Compensation, $1,000,000 for Employer's Liability.

Endorsement shall state that the insurer waives their right of subrogation against the CSU

Sole Proprietors Exclusion

Contractors who are sole proprietors or are otherwise excluded from state requirements for workers compensation coverage may:

1) Submit proof of health insurance as broad as statutorily required by the State of California for employees and either submit proof of disability insurance as broad as statutorily required by the State of California for employees

OR

2) Execute a Reagreement Agreement with the University regarding the contract activities to be performed.

Exhibit A

Public Works

919 Palm Street, San Luis Obispo, CA 93401-3218
805.781.7200
slocity.org

Wednesday, June 14, 2017

This letter represents an extension of the existing 'Bus Service Agreement By and Between California Polythenic State University and the City of San Luis Obispo' first excecuted in 2011. This agreement would be effective July 1st, 2017 under the following terms and conditions:

1. **Term**
   a. Two (2) Fiscal Years; July 1st, 2017 through June 30th, 2019

2. **Financial Contribution**
   a. Year 1: FY 17/18; 3% increase over 16/17 ($453,697), billed quarterly
   b. Year 2: FY 18/19; 3% increase over Year 1 ($467,307), billed quarterly

3. **Service Level**
   a. City to deliver transit services consistent with the Base Service Level identified in the 2011 agreement and since expanded with the adopted 2017-22 Short Range Transit Plan
   b. All terms consistent with the 2011 Agreement and are in effect through the extension.

4. **Next Steps**
   a. The parties will negotiate a new agreement during this extension.

The City of San Luis Obispo once again thanks CalPoly for this longstanding collaborative partnership and looks forward to a partnership that meets the goals of the University and the City.

City

Signature: Katie Ritt
Title: City Manager
Date: June 27, 2017

CalPoly

Signature:
Title:
Date: 6/23/17

Dru Zachmeyer
Assistant Vice President
Strategic Business Services
California Polytechnic State University
805-756-6473
dzachmey@calpoly.edu

Central Coast Transportation Consulting
Traffic Engineering & Transportation Planning

MEMORANDUM

Date: November 29, 2017

To: Jake Hudson, City of San Luis Obispo

From: Joe Fernandez and Devin Ciriaco, CCTC

Subject: Cal Poly Master Plan Trip Generation Review

This memorandum summarizes our review of trip generation estimates included in the Transportation Impact Study for the 2017 Campus Master Plan ("MP TIS", WSP, November 2017). The intent of this work is to review the methods used to estimate traffic to and from the University and does not evaluate the other technical analysis or findings of the MP TIS.

The MP TIS focuses on off-site traffic impacts associated with the enrollment increase from 20,944 existing students to 25,000 students by 2035, an increase of nearly 20 percent. On-campus students would increase from 4,488 existing on-campus students to 12,300 at build-out. Off-campus students would decrease from 13,756 existing students to 10,000 students at build-out.

The MP TIS contends that increasing the portion of students housed on campus will more than make up for the growth in enrollment, resulting in a net decrease in vehicular trip generation associated with the enrollment increase.

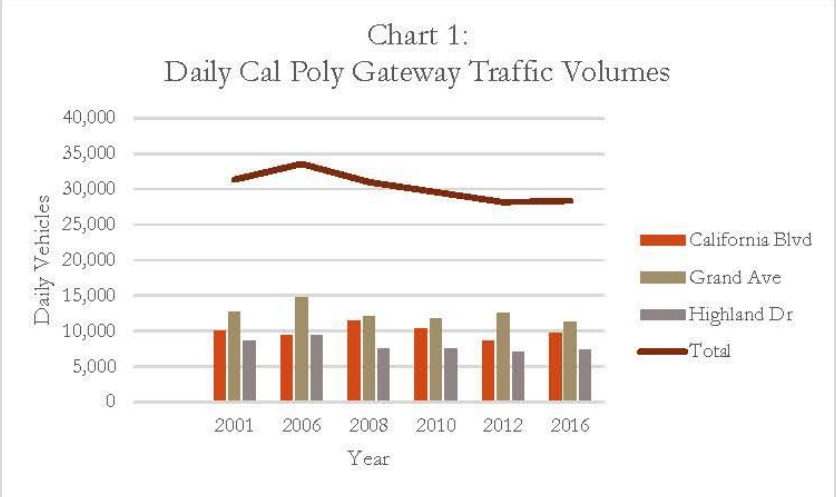
KEY FINDINGS

1. The MP TIS vehicular trip estimates are based on total parking supply and do not appear to reflect parking space occupancy, which is under 70 percent based on a recent study. Adjusting the trip rate to reflect trips per occupied space yields a substantially higher number of trips than are reported in the MP TIS. Trips per occupied space is a more appropriate variable since vehicles generate the demand, not vacant spaces.
2. The DEIR (pg. 201) notes that Cal Poly will monitor the Master Plan traffic generation about every 2 years at the same time the City conducts its regular collection of traffic counts to monitor traffic volumes. However, the DEIR does not include this monitoring program or identify measures to address traffic growth should it occur. We recommend development of a mitigation measure requiring the University to monitor gateway traffic volumes and implement travel demand management measures should the enrollment increases result in growth in gateway traffic volumes.
3. The project will add over 2,000 daily bicycle trips to City streets. The pedestrian volume estimates are very low given the increase in enrollment and on-campus facilities. The City has numerous capital improvement projects planned to improve pedestrian and bicycle infrastructure that are funded in part by transportation impact fees. Because Cal Poly is not required to pay transportation impact fees we recommend that they enter into a cost sharing agreement to fund their fair share of pedestrian and bicycle infrastructure improvements planned near campus.
4. The project would potentially overburden transit by increasing transit demand on already constrained routes. We recommend that the funding agreement between Cal Poly and SLO Transit be updated to ensure service increases are implemented when needed.

Detailed analysis supporting these findings are provided below.

VEHICULAR TRIP GENERATION

The City of San Luis Obispo conducts regular traffic counts throughout the City, including at the three gateway entry points to Cal Poly. Chart 1 summarizes the traffic counts at these gateways.



The gateway counts collected in 2016 were used in the MP TIS as the basis for estimating future trips. Chart 1 shows that the 2016 counts are generally representative of typical conditions. The MP TIS also relies on traffic counts from an undisclosed source capturing trips to and from Poly Canyon Village.

MP TIS Trip Generation

Exhibits 27 in the MP TIS, shown below, present the trip generation rate development, with the bold rows showing the rates applied in the study.

Exising Conditions	Formula	Daily	AM Peak Hour		PM Peak Hour	
			Inbound	Outbound	Inbound	Outbound
Trips to/from Poly Canyon Village	(A)	2,924	25	37	92	104
Parking Spaces in Poly Canyon Village	(B)	1,929	1,929	1,929	1,929	1,929
Trips per Residential Parking Space	**(C)=(A)/(B)**	**1.52**	**0.013**	**0.019**	**0.048**	**0.054**
Total Residential Spaces on Campus	(D)	2,297	368	368	368	368
Total Trips from Residential Spaces	(E)=(C)*(D)	3,482	5	7	18	20
Total Trips at All Campus Gatesways	(F)	28,692	1,921	337	837	1,592
Trips from Other (not residential) Spaces	(G)=(F)-(E)	25,210	1,916	330	819	1,572
Number of Other (not residential) Spaces	(H)	4,921	4,921	4,921	4,921	4,921
Trips per Other (not residential) Parking Space	**(I)=(G)/(H)**	**5.12**	**0.389**	**0.067**	**0.167**	**0.319**
Total Trips	(J)=(E)+(G)	28,692	1,921	337	837	1,592

Exhibit 27: Computation of Trip Generation Rates for Residential and Other Parking Spaces

Row 'A' presents trips to/from Poly Canyon Village. The count data sheets are not provided, nor are counts showing the occupancy level of the parking lots (presumably lots R-3 and R-4). However, the TIS prepared for the Student Housing South project ("SHS TIS", Fehr & Peers, November 2013) provides parking lot occupancy rates showing that the occupancy residential spaces averaged 71 percent and general spaces averaged 64 percent occupied. Excerpts from the SHS TIS are provided as Attachment A.

Exhibit 28 from the MP TIS, below, applies the trip rates from Exhibit 27 to estimate future trips at build-out.

Future Conditions	Formula	Daily	AM Peak Hour		PM Peak Hour	
			Inbound	Outbound	Inbound	Outbound
Number of Residential Spaces on Campus	(K)	2,836	2,836	2,836	2,836	2,836
Total Trips from Residential Spaces	(L)=(C)*(K)	4,299	37	54	135	153
Number of Other (not residential) Spaces	(M)	4,382	4,382	4,382	4,382	4,382
Trips from Other (not residential) Spaces	(N)=(I)*(M)	22,451	1,707	294	730	1,400
Total Trips	(O)=(L)+(N)	26,750	1,743	348	865	1,553
Change in Trips	(P)=(O)-(J)	-1,942	-178	11	28	-39
Percent Change from Existing	(Q)=(P)/(J)	-7%	-8%		0%	

Exhibit 28: Computation of Future Trips by the Academic Community for Full CMP Build-Out

Exhibit 28 shows a decrease in daily and AM peak hour trips, and no change for PM peak hour trips. However, as described above this ignores parking lot occupancy and assumes that the occupancy rates will remain the same despite a ten percent decrease in spaces per restricted on-campus student at build-out (see Exhibit 26 of the MP TIS for parking ratios). This MP TIS contends that this decrease is supported by traffic volumes on Highway 1 (see Exhibit 29 of the MP TIS), which show a decrease between 2005 and 2009 between Highland Drive and Foothill Boulevard. However, the decrease preceded occupancy of Poly Canyon Village, which was completed in August 2009. The decrease therefore cannot be attributed to increased on-campus housing.

Typically parking planners strive for occupancy rates of 85 percent for high turnover spaces and up to 95 percent for low turnover spaces like residential uses. These levels of usage ensure drivers don't spend excessive time circulating in search of parking spaces and are best managed by limiting available permits and by setting market-rate prices.

Occupancy-Adjusted Trip Generation

Tables 1 and 2 (analogous to Exhibits 27 and 28 of the MP TIS) below incorporate parking occupancy rates based on the SHS TIS, which notes existing occupancy rates of 64 percent for general spaces and 71 percent for residential spaces. Changes from the original are shown in red text.

Table 1: Exhibit 27 Re-Created with Occupancy Rates						
			AM Peak Hour		PM Peak Hour	
Existing Conditions	Formula	Daily	Inbound	Outbound	Inbound	Outbound
Counted Trips to/from Poly Canyon Village	(A)	2,924	25	37	92	104
Parking Spaces in Poly Canyon Village	(B)			1,929		
Occupied Parking Spaces in Poly Canyon Village	(B2)=B*71%			1,370		
Trips per occupied Residential Parking Space	**(C) = A/B2**	**2.13**	**0.02**	**0.03**	**0.07**	**0.08**
Total Residential Spaces on Campus	(D)			2,140		
Trips from occupied non PCV residential spaces	(E)=C*71%*(D-B)	320	3	4	10	11
Total Trips at All Campus Gateways	(F)	28,692	1,921	337	837	1,592
Trips from Other (not residential) Spaces	(G) = F-E-A	25,448	1,893	296	735	1,477
Number of Other (not residential) Spaces	(H)			4,869		
Occupied other (not residential spaces)	(H2)=H*64%			3,116		
Trips per occupied non-residential parking spaces	**(I) =G/H2**	**8.17**	**0.61**	**0.09**	**0.24**	**0.47**
Total Trips	(J) = E+G+A	28,692	1,921	337	837	1,592

Table 2: Exhibit 28 Re-Created with Occupancy Rates						
Future Conditions	Formula	Daily	AM Peak Hour		PM Peak Hour	
			Inbound	Outbound	Inbound	Outbound
Number of Residential Spaces on Campus	(K)			2,836		
Total Trips from Residential Spaces	(L) = C*K*85%	5,146	44	65	162	183
Number of Other (not residential) Spaces	(M)			4,382		
Trips from Other (not residential) Spaces	(N) = I*M*85%)	30,418	2,263	354	878	1,765
Total Trips	(O) = (L)+(N)	35,564	2,307	419	1,040	1,948
Change in Trips	(P) = (O)-(J)	6,872	386	82	203	356
Percent Change from Existing	(Q) = (P)/(J)	24%	21%		23%	

Table 2 shows that, when accounting for existing occupancy rates and assuming a future occupancy rate of 85 percent, the Master Plan enrollment increases would increase daily, AM, and PM vehicular trip generation by 21 to 24 percent.

We recommend incorporating a mitigation measure requiring the University to monitor gateway traffic volumes and implement travel demand management measures should the enrollment increases result in growth in gateway traffic volumes.

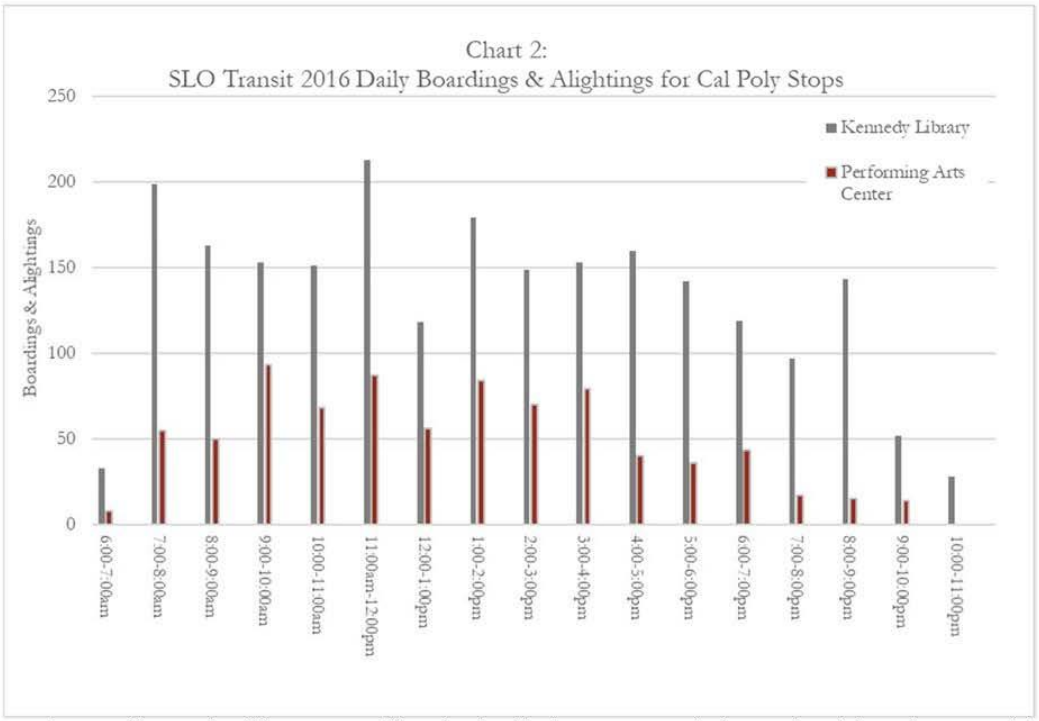
BICYCLE AND PEDESTRIAN TRIPS

The MP TIS estimates that the project will generate 3,210 daily bicycle trips. Of these trips 2,054 (64 percent) ride to or from off-campus destinations. A similar estimate for pedestrian trips is not provided, but Exhibit 36 shows peak hour pedestrian project trips at five select intersections. The highest peak hour volume is three pedestrians, which is improbably low given the new uses proposed on campus. The project's added bicycle and pedestrian volumes are not reflected in the intersection level of service calculations.

The City has numerous capital improvement projects planned to improve pedestrian and bicycle infrastructure that are paid in part by transportation impact fees. Because Cal Poly is not required to pay transportation impact fees we recommend that they enter into a cost sharing agreement to fund their fair share of pedestrian and bicycle infrastructure improvements planned near campus.

TRANSIT TRIPS

Chart 2 shows combined boardings and alightings for SLO Transit routes serving Cal Poly. The chart shows consistently high levels of usage throughout the day.



Increasing enrollment by 20 percent will undoubtedly increase transit demand and has the potential to overburden transit service, which constitutes a significant disruption to transit services- a significant impact per CSU guidelines. Currently demand exceeds supply on some routes during peak periods, causing some leave-behinds. The proposed plan would exacerbate this condition if additional transit services is not provided.

We recommend that Cal Poly enter into an agreement setting thresholds for additional transit service funding commensurate with usage associated with the University.

CONCLUSIONS

The Master Plan's focus on providing on-campus housing will limit off-site impacts to transportation facilities, but will not avoid them. The increased enrollment will undoubtedly increase pedestrian, bicycle, and transit demand. While it is possible that vehicular demand will decrease there is no assurance in the MP TIS or DEIR that the University will monitor vehicle volumes or take appropriate action to reduce trips if they increase. Furthermore, there is no assurance that the parking supply-the independent variable used to predict vehicle trips- would be limited to the current supply levels.

Implementing a gateway traffic volume monitoring program based on the City's recurring count program would address these uncertainties.

Please let us know if you have any questions.

Attachment A: Student Housing South TIS Parking Lot Occupancy Rates

Attachment A: Parking Lot Occupancy Rate from SHS TIA

TABLE 7
EXISTING PARKING LOT COUNTS

Parking Lot	Lot Capacity (spaces)	10:00-11:00 AM Hour		2:00-3:00 PM Hour	
		Empty Spaces	% Occupied	Empty Spaces	% Occupied
General (Non-Residential) Parking					
H-1	366	345	6%	340	7%
H-12	441	12	97%	26	94%
H-14	367	282	23%	229	38%
H-16	506	148	71%	134	74%
G-1	426	62	85%	87	80%
Grand Ave Structure[1]	618	35	94%	53	91%
Resident Only Parking					
R-1	789	69	91%	89	89%
R-3	940	352	63%	361	62%
R-4[2]	971	363	63%	372	62%
Combined Residential-General Parking					
R-2/G-4[3]	898	373	58%	417	54%

Notes:
1. Structure includes staff parking in addition to general parking. Only general parking data presented.
2. Data not collected for R-4 garage, but Cal Poly Parking reports R-4 experiences similar occupancies to R-3
3. Lot allows for overflow general parking. Majority of parking is residential parking.

Source: University Police Department and Fehr & Peers, July 2013.

Based on the April 2013 parking lot counts, the University has enough parking supply to meet demand during the morning and afternoon peak hours of parking demand. However, because the parking lots are located at the north and south ends of campus, drivers may circulate within and between lots to find spots closest to their final destination on campus. In addition to the lots presented in **Table 7**, there are other smaller lots spread throughout campus.

Exhibit C

Office of the City Manager
990 Palm Street, San Luis Obispo, CA 93401-3249
805.781.7114
slocity.org

September 11, 2017

Dr. Jeffrey D. Armstrong
President, California Polytechnic State University
Administration Building
San Luis Obispo, CA 93407

Dear Dr. Armstrong,

I am writing to provide you with the City of San Luis Obispo's assessment of the impacts associated with the increased enrollment expected on campus for Fall 2017. On August 15, 2017, Keith Humphrey presented the specifics to our City Council, indicating that 1,000-1,200 additional students are expected to be enrolled in classes this Fall.

During his presentation, Keith was very clear that this was a surprise. In fact, the University has consistently messaged to City leaders and the community that enrollment would be kept at a "steady state" until a variety of changes occurred on campus, including increased housing to accommodate any increase to the student body.

The news that enrollment would not be held at a steady state – and would actually increase by a significant percentage – is not welcome because increased enrollment will increase the cost of services provided by the City to the campus and community and these costs have not been planned for or budgeted.

The City and Cal Poly have a mutually beneficial relationship and a variety of partnerships and agreements that benefit both City residents and the campus. These include law enforcement, emergency response, water and sewer service, transit service, neighborhood wellness initiatives, and information technology infrastructure. Both the City and the University embrace sustainability as a guiding principle for future decision-making.

Given our close relationship and the goal of moving forward to a productive and sustainable future together, we are hopeful that the University will give careful consideration to the following assessment of impacts and the associated request for resources to mitigate the impacts that the City expects to realize with increased enrollment.

In some cases, our agreements are somewhat formulaic (water and sewer service) and the increased enrollment can be translated into a direct cost in line with existing methodology. In the case of transit, impacts are anticipated that go beyond the scope of our existing agreements, but those costs can be fairly easily predicted based on our extensive experience serving campus based on our review of empirical data. With respect to law enforcement, emergency response, and code enforcement, the City has identified the impacts expected from the increased enrollment and has identified ways that these impacts can be mitigated through the assignment of additional resources, the costs of which should be borne by Cal Poly.

Emergency Response (Fire and Medical Services)

The Fire Department has invested significantly in partnering with the University to improve decision making of incoming students with a goal of increasing student safety by decreasing overconsumption of alcohol, thus decreasing the need for emergency medical services. Alcohol-influenced decision making is a primary factor in calls for service related to the University student population.

The Fire Department routinely tracks all emergency medical responses based on location and patient demographics, including all calls to the University campus and all calls involving University students. On a daily basis beginning during the Week of Welcome (WOW), the Fire Chief and his staff will evaluate system-wide emergency response coverage related to University impacts. If the increase in enrollment is attributed to an anomalous increase in fire and/or medical calls for service, the Fire Department will need to increase staffing to ensure the availability of sufficient resources to serve the campus and the City.

If this is the case, the most likely scenario would result in putting into service a two-person medical response unit to address emergency call volume trends. The cost for this increased service (equipment and personnel) is $112 per hour. If, for example, this staffing adjustment was necessary for 12-hour periods on Thursday, Friday, and Saturday, the weekly cost of this scenario will be $4,032. The authority to exercise staffing adjustments resides with the Fire Chief, who will consult with the University Police Chief prior to implementing any planned staffing increases. The length of this enhanced staffing model would also be based on emergency response trends related to providing service to the University.

Law Enforcement

In consideration of the projected increase of 1,000 to 1,200 students for the 2017/18 Cal Poly school year, the San Luis Obispo Police Department believes there will be increases in certain student related call types. Call types that significantly involve students are alcohol related, noise, DUI and parking/abandoned vehicles.

Noise, nuisance and alcohol:
Considering the majority of the student population increase is within the freshman class, we anticipate there will be a significant impact on neighborhood wellness. This will include students attending house parties, under-aged drinking, open containers and added foot traffic within the neighborhoods that also leads to nuisance related activity.

Some of the anticipated impacts can be handled by our SNAP (Student Neighborhood Assistant Program) employees. SNAP employees are current Cuesta and Cal Poly students. SLOPD believes an increase of 2 SNAP employees, for 36 weeks, each at 20 hours per week, would address these impacts. At the current salary rate for SNAP employees ($12.96) this would be an added cost of $18,662 a year to SLOPD's budget.

This will not address any increases in criminal activity, property crime, or second response/long term noise impacts that cannot be addressed by SNAP. However, SLOPD and UPD are currently in an MOU that allows UPD to enforce municipal code violations within a 1-mile radius of the Cal Poly campus. This MOU was established to help address neighborhood wellness issues involving

students within the neighborhoods surrounding Cal Poly, and can now be utilized to further address the impacts associated with increased enrollment.

In order to further address anticipated impacts, SLOPD is asking that Cal Poly PD increase staffing on San Luis Obispo's busiest days and times. The additional staffing would be assigned to the neighborhoods surrounding Cal Poly to help enforce municipal code violations related to the potential increased in student related violations. Our busiest days while Cal Poly is in session is Thursday night to early Sunday morning between 8:00 p.m. and 2:00 a.m.

SLOPD will be tracking student related (CP, Cuesta and other) calls for service during the 2017/18 school year. Currently there is no definitive data to project the impacts related to the increase in the student population. SLOPD will evaluate the statistical impacts throughout the year to further determine the impacts related to the increased number of students added in the 2017/18 school year.

Parking

Cal Poly has implemented a policy, which does not allow incoming freshman to park their vehicles on campus. It is our belief there will still be a percentage who bring their vehicles to San Luis Obispo and potentially park in neighborhoods. If only 15% bring a vehicle to San Luis Obispo, there will be an additional 150 vehicles on SLO streets without a corresponding residence. Many of the neighborhoods surrounding Cal Poly have parking restrictions that will require stepped up enforcement to reduce negative impacts. With limited parking near campus, many will have to park their vehicle further away from campus and may legally park their vehicles for no more than 72 hours in one location. This will likely create an increase in the number of calls regarding abandoned vehicles in addition to additional calls for vehicles violating other parking regulations. Vehicles reported as abandoned must be marked and tagged with a 72-hour notice and rechecked at the conclusion of the 72-hour period. The additional staff costs for increased enforcement and monitoring are calculated at $10,130 during the school year, based on hourly rates for enforcement staff that would be assigned the work.

Transit

As a direct result of increased enrollment and the prohibition of Freshman bringing cars on campus, additional and unbudgeted transit services will need to be deployed to meet increased passenger loads and maintain the reliable service area residents depend on. Based on prior years' assessments (e.g. Closure of Grand Ave Parking Lot, Farmers Market nights, extra late evening service and associated fuel expenses, etc.), no less than $26,000 in unbudgeted services would need to be deployed. This value is directly tied to additional services SLO Transit has provided for the direct benefit of the University and does not account for the loss in revenues from the riding General Public who complained of "being crowded out" of public transit by the increased transit use by students, faculty, and staff.

- Additional Tripper Service - $14,000
- Additional Farmers Market Service - $5000
- Additional Late Evening Service - $5000
- Associated Fuel - $2,000

Neighborhood Services and Code Enforcement

The Community Development Department is active in the neighborhoods around campus performing pro-active code enforcement to implement the City's Neighborhood Enhancement Ordinance. In addition, traditional code enforcement addresses complaints related to construction without permits, such as garage conversions. The area around the Cal Poly campus experiences a greater incidence of activities that require code enforcement resources than other neighborhoods in the City. Increased enrollment is expected to exasperate this effect, particularly until the new dorms open in Fall 2018, which may temporarily reduce this pressure.

Over the past few years, progress has been made in the area of neighborhood wellness. The neighborhoods around Cal Poly campus have been closely monitored by City Code Enforcement Technicians who routinely make contact with residents. New regulations regarding property maintenance, storage of refuse containers, outdoor furniture, and maintenance of weeds/lawns has had a beneficial impact and raised expectations for all City residents. For students living in neighborhoods - often living alone for the first time - this program has had a demonstrably positive impact. The improvements have been noted during recent neighborhood walk-abouts with Cal Poly and City officials.

A Code Enforcement Technician I position that normally helps patrol the neighborhoods is currently filled by a contract employee. That contract is set to expire on November 29, 2017, which would leave one technician to patrol all property within the city limits. If this resource is eliminated during a time of increased enrollment, much progress in the area of neighborhood wellness around campus could be lost.

As a result, the City is requesting that Cal Poly fund the contract of a Code Enforcement Technician I between November 29, 2017 and June 27, 2018 at a cost of $37,500. Maintaining this resource during a time of increased enrollment will help maintain neighborhood wellness prior to the availability of new on-campus housing.

Summary of Impacts

The following table summarizes the costs associated with increased services required by over-enrollment that the City would expect to realize. The total dollar value the City is requesting to address the impacts of increased enrollment is $92,292 during the 2017-18 academic year.

In addition, as previously discussed in this letter, if the increase in enrollment is attributed to an anomalous increase in fire and/or medical calls for service, the Fire Department will need to increase staffing to ensure the availability of sufficient resources to serve the campus and the City. The costs associated with this additional resource would be $4,032 per week.

Finally, in order to further address anticipated impacts, SLOPD is asking that Cal Poly PD increase staffing on San Luis Obispo's busiest days and times. The additional staffing would be assigned to the neighborhoods surrounding Cal Poly to help enforce municipal code violations related to the potential increased in student related violations. Our busiest days while Cal Poly is in session is Thursday night to early Sunday morning between 8:00 p.m. and 2:00 a.m.

It is our request that Cal Poly evaluate this information carefully and agree to cover the costs identified to ensure that the services provided by the City may be continued in a manner that does not impact the quality of life on campus or within the City.

Service Area	**Scope of Additional Service**	**Cost Estimate**
Emergency Response	Two-Person Medical Response, 36-Hour total, Thursday-Sunday	$4,032/week if warranted by calls for service
Law Enforcement	UPD up-staff Thursday PM to early Sunday AM	(Cal Poly cost)
Known Direct Costs to City		
Law Enforcement	Two additional SNAP employees, 20-hours/week for 36 weeks	$18,662
Parking Services	Stepped up parking enforcement in neighborhoods	$10,130
Transit Service	Additional services to meet demand	$26,000
Neighborhood Wellness	One Code Enforcement Technician I (11/30/17-6/27/18)	$37,500
TOTAL (2017-18)		**$92,292**

Thank you for your attention to this important matter, and to ongoing collaborations between campus and city leadership that help ensure and maintain a high level of service for residents and community members on and off campus.

Sincerely,

Katie Lichtig
City Manager

Cc: Cynthia Vizcaino Villa, Vice President for Administration and Finance
Dr. Keith Humphrey, Vice President for Student Affairs
Jessica Darin, President's Office Chief of Staff
Mayor and City Council
Derek Johnson, Assistant City Manager
Michael Codron, Community Development Director
Deanna Cantrell, Police Chief
Garret Olson, Fire Chief
Daryl Grigsby, Public Works Director

DAVID BLAKELY
861 SKYLINE DRIVE
SAN LUIS OBISPO, CA 93405
PHONE 805.438-5956
4385956@gmail.com

December 22, 2017

Julie Hawkins, Campus Planner
Facilities Planning and Capital Projects
California Polytechnic State University San Luis Obispo
1 Grand Avenue
San Luis Obispo, CA 93407
Phone 805.756-6563
Email: jkhawkin@calpoly.edu

Dear Ms. Hawkins,

Please enter the following comments in to the record on the Draft Environmental Impact Report – Master Plan 2035 dated November 2017.

By way of these comments I would also request I be notified of any other public parts of this process.

Generally, the Draft Environmental Impact Report – Master Plan 2035 does not do a good job of providing the Board of Trustees with adequate information to make an informed decision on the Master Plan because the Draft Environmental Impact Report – Master Plan 2035 does not offer site specific analysis of several important issues which are proposed in the Master Plan 2035. There are significant deficiencies in this document which must be addressed prior to the Final Environmental Impact Report – Master Plan which can be certified by the Board of Trustees in anticipation of their final decision on the Master Plan itself.

Good planning would dictate a significant initial study to understand and avoid significant impacts. Environmental impacts would help guide the Master Plan. Instead, the Master Plan appears to force itself onto the landscape with little to no understanding of the environmental impacts which should drive the plan. Since significant input from other agencies and organizations has yet to be received, the Master Plan is problematic. For example, if there was input from Cal Trans in regards to access to parcels N4 and N5, then impacts could be better understood and drive the planning process of the Master Plan. If Cal Fish and Game was consulted early in the process, then the degradation of important biological resources could be avoided in the planning process.

In a review of the appendix to the Draft Environmental Impact Report – Master Plan 2035 the evidence for many of the recommendations just was not there.

The city of San Luis Obispo and Cal Trans are responsible agencies. They must also adopt their own findings regarding the impacts and determine if those impacts will be mitigated. Their responses to the plan should be part of the record.

The DEIR must include correspondence and evaluations from Cal Trans and the City of San Luis Obispo in regards to the proposed development on Parcels N4 and N5. Without their input the Board of Trustees cannot make an appropriate determination on the mitigations these organizations may request. The requested mitigations may require the Master Plan to change which would precipitate a recirculation of the DEIR, needlessly delaying this process.

I am not familiar with the CEQA processes used by the Cal State system. I do have a concern that the Draft Environmental Impact Report – Master Plan 2035 was paid for and the supervision in its creation is being done by the project applicant. A better process would have been to have a neutral 3rd party hire and coordinate with the project advocates to create the Draft Environmental Impact Report – Master Plan 2035. It is critical that the Draft Environmental Impact Report – Master Plan 2035 be as objective as possible to show all potential impacts and to properly mitigate them. This process is corrupted when the applicant is also the lead party for the EIR.

The Draft Environmental Impact Report – Master Plan 2035 looks at the environmental impacts of a number of large and small projects at Cal Poly. Some of the projects like the Slack Street development have a rigorous analysis but other projects like the development of parcel N4 have only had a cursory examination. The Draft Environmental Impact Report – Master Plan 2035 violates CEQA by improperly piecemealing the evaluation of all the proposed projects and failing to analyze the cumulative effects of the entire scope of work being proposed in the Master Plan. In many cases it appears that the Draft Environmental Impact Report – Master Plan 2035 uses the guiding principles of the Master Plan as justification and mitigation for the many impacts this plan will create. Those guiding principles are wonderful for guiding the creation of the plan but do not do anything to provide mitigations for some very serious impacts which will be created by the implementation of the Master Plan.

Regarding the N4 parcel, the traffic analysis is woefully inadequate. Intersection 43 for this project is not even analyzed. Cal Fire currently has a proposal in the early stages of planning, and their plan shows a large easement for traffic that dead ends at the edge of parcel N4. If it is contemplated that this access be used by Cal Poly to access parcel N4, then the impacts associated with this must be investigated as early in this process as possible. The Draft Environmental Impact Report – Master Plan 2035 has no discussion of this access road and what impacts it may have on circulation in this area with regard to the future planned development of parcel N4.

Throughout the support documentation on the traffic for the Master Plan, the traffic counts and analysis for intersection 43 says, “Does not exist in this scenario”. This is a major flaw as it is proposed to add significant growth to parcel N4, yet the traffic projected for the development on this site “does not exist”. There must be a full investigation of the vehicle trips from the development of N4 and appropriate mitigations must be offered. If it is found that the traffic from the development of N4 is significant and unmitigable, then the Board of Trustees will need to know this to determine the appropriateness of developing this parcel.

There is no substantial evidence in the record that fully discusses the environmental impacts of the proposed Cal Fire development on parcel N4. Some site-specific issues are identified but not fully analyzed and no appropriate mitigations are proposed for the significant impacts to traffic, drainage, view shed and endangered plants and animals.

The Draft Environmental Impact Report – Master Plan 2035 has failed to adequately address the impacts of grading and drainage and runoff for any development of parcel N4. And since Cal Fire is also proposing some development on their parcel the cumulative impacts must also be discussed and mitigated. Storm water runoff from a developed parcel N4 must be investigated to ensure the safety of citizens downstream.

If development moves forward on the N4 site there will be significant grading required as the parcel is not flat and contains a seasonal vernal pool. There is no evidence in the record that discusses the full impacts of the grading on this parcel and without that information the Draft Environmental Impact Report – Master Plan 2035 is inadequate. There is no evidence in the record which indicates the quantity of earth to be moved and to what extent retaining walls will be needed to balance out this site. It should be noted that the Cal Fire project is proposing a large retaining wall at the rear of their development.

It is important to note that there is a major drainage to the south of this parcel and problems to downstream residents may be significant. But without any thorough investigation of flows and volumes from any development on site N4, no consideration of mitigations can be done. It cannot even be decided if this parcel should be developed or not. Issues surrounding the development of this site may be so great that this parcel should remain in its current agricultural use.

Parcel N4 is incorrectly identified as fallow. It is not. The Cal Poly sheep class use this parcel often. At many times of the year this parcel is used for grazing sheep. This is not noted in the Draft Environmental Impact Report – Master Plan 2035.

It is incorrect to use the Master Plan Objectives as justification and mitigation for the impacts this project will create.

Type of housing on N4

In describing the type of housing proposed for Parcel N4 there is much inconsistency within the Draft Environmental Impact Report – Master Plan 2035. On page 9 of the Draft Environmental Impact Report – Master Plan 2035, the Master Plan proposes Residential Neighborhoods (RN) for parcel N4 as follows:

> *Residential Neighborhoods (RN) are designated predominately for workforce housing, designed for Cal Poly faculty, staff or other persons employed in the area. Non-traditional students, including, but not limited to, graduate students, married students or students with families, veteran students, or other students needing specific accommodations may also be considered.*

The major problem with this description of the use of this parcel is that throughout the Draft Environmental Impact Report – Master Plan 2035 , it appears that this will not be student housing therefore the impacts will be different than if students live here. Yet the definition of this use in the Master Plan will allow students to live here. The description of this use for this parcel is so broad that anyone can live there, student or not. Since this is true the impacts of students living in this area must be totally investigated and properly mitigated. And the Master Plan objectives are not, nor should they ever be mistaken as being, mitigations for any impacts this use will create on this site and in the nearby neighborhoods.

The development on parcels in the RN land use category are used as mitigations for impacts associated with the growth on campus. These parcels cannot be used for mitigation of campus growth if "other persons employed in the area" are allowed in the RN land use category.

On page iii of the Draft Environmental Impact Report – Master Plan 2035 , under the section "Student Housing," there is no discussion of the potential use of N4 by students. This section also describes that student housing will be "supported with dining facilities, an activity center, and other amenities." If this is true, then those proposed uses must be investigated and mitigated at the earliest point in this process as possible. Not doing so is a violation of CEQA.

The next section on page iii discusses housing for "primarily for non-students". This description opens the door to students in these areas too, and those impacts must be investigated and mitigated. Or, the Master Plan needs

to be more precise in the description of the proposed uses in the RN land use category to limit the investigation into impacts.

On page iv in the "Circulation Infrastructure Improvements," it is stated "Consider a campus shuttle." To "consider" something is not a mitigation for the circulation impacts of this project. Implementation of a campus shuttle would be a more realistic mitigation for the impacts associated with circulation of the Master Plan.

On page v in the section "Utility Infrastructure Improvements," it is indicated that there will be a new wastewater reclamation facility. The exact location of this infrastructure must be identified so the impacts associated with it can be mitigated. The description of its location in this section is inadequate.

On pages vii and viii the impacts of this project are summarized. It is difficult to draw these conclusions given the inadequate study of the impact this project will create.

Table S-1

In the first section of Table S-1 on page x the Potential Environmental Impacts on Agricultural Resources is incomplete as the agricultural use of sheep using parcel N4 is not considered and the impacts of this change of use is not considered.

Page x Hydrology and Water Quality – the discussion of this section is inadequate as there is no evidence in the record which investigates the potential flooding hazard created by development on parcel N4 on the drainage from the south west corner of this parcel. Without an investigation of this, there is no record to determine mitigations or level of severity of this impact.

Page xi Noise

The Draft Environmental Impact Report – Master Plan 2035 states that

> As the future residents of the new residential neighborhoods will be primarily for non-students, the anticipated ambient noise levels …

There is no evidence in the record that this will be true because the definition of the RN use of this parcel does not prohibit students from living there. This potential impact must be investigated and mitigated.

Page xxii Hydrology and Water Quality. The text of this section highlights a general weakness of this document. In many cases the mitigations are weak or at best inadequate. Under normal circumstances avoidance is a proper mitigation to impacts. In many cases avoidance is not even considered. The Draft Environmental Impact Report – Master Plan 2035 will use the Master Plan goal to justify the environmental consequences of the Master Plan. Avoidance should be considered throughout this document as a strategy to avoid the many environmental impacts created by the Master Plan.

Page xxxii Agricultural Resources. Within this section there is no discussion of the ag use on parcel N4. This section is incomplete without that recognition. And the impacts on Agricultural Resources cannot be fully mitigated.

Page xxxiii Aesthetics. Under the section Mitigation Measures the Draft Environmental Impact Report – Master Plan 2035 states

> 3.4-2 No portion of development west of Highway 1 shall silhouette above any ridgeline as viewed from Highway 1.

Whiles this may be true, it is not a complete mitigation of the aesthetics of this property. The evidence in the record is woefully incomplete. There must be a study of impacts from the adjoining neighborhoods and from Highway 1. Knowledge of the impacts associated with circulation on the aesthetics of the development of this

parcel must be studied so appropriate mitigations can be developed. CEQA requires this kind of investigation as early in the process as possible. Since the Master Plan is proposing a major change to this site and the DEIR is to look at the impacts of this proposed development, unless further study is completed, there is no evidence in the record to justify the mitigation of 3.4-2 as adequate. This section focuses on the view shed from Highway 1 but the impacts on the view shed from the existing residential areas must also be investigated and mitigated.

Page xxxiv Traffic and Circulation
Mitigation Measure 3.7-1 is not a mitigation measure at all as it is stated that the creation of an additional eastbound lane will be "infeasible due to right-of-way constraints" There is also no evidence in the record to illuminate U turn activity into parcel N4 and at Stenner Creek Road. There should be comments from Cal Trans concerning the proposed access of these two areas onto Highway 1. The Draft Environmental Impact Report – Master Plan 2035 discusses a traffic light at Stenner Creek but there is no evidence in the record from Cal Trans that discusses this possibility. Since this plan anticipates access to Highway 1 at parcel N4 and at Stenner Creek Road, a complete analysis must be completed. The Trustees cannot make a determination on the change in land use on parcel N4 without understanding the circulation impacts of development on this parcel. The record does not even indicate a location of the access. This is another example of the Draft Environmental Impact Report – Master Plan 2035 not considering avoidance surrounding a potentially significant impact.

An investigation into options to resolve the "Significant" impact at Santa Rosa Street/Foothill Boulevard is incomplete. Realistic mitigations must be considered. Even though the Trustees can make an overriding finding on this significant impact, I believe that with some additional creative consideration, this impact can be reduced to a level of insignificance.

Page 1 The EIR
This section describes the "Program EIR for the Master Plan." The use of a Program EIR for such a major project as the implementation of the Master Plan is fraught with problems. The investigation into many of the projects, in particular those associated with parcel N4, are known and can be expected. Yet there is not adequate information in the record to determine if further environmental research should be investigated. Since the changes to N4 are proposed in this project, the environmental impacts of this proposed development must be completely investigated. My concern is that when Cal Poly gets to the point they want to actually develop this parcel, it will be determined that the Draft Environmental Impact Report – Master Plan 2035 provided adequate investigation to move forward with the development of parcel N4. There is no evidence in the record that this is true. There are major and potentially significant impacts to the development of this parcel and they must be understood. To move forward with this Program EIR without understanding those impacts this early in the process is in violation CEQA.

I also believe it is bad public policy to imbed the Slack and Grand Residential Neighborhood project as a project-level EIR into this Program EIR. The two studies should be looked at separately with their impacts on one another investigated. To combine the two into one document confuses the process and makes it difficult for the public to be involved. This entire process is very complex and by combining these two EIRs into one document does not make it any easier to understand.

Page 3 and 4 Intended Uses of the EIR
In the list of other agencies that may be involved, Cal Trans and the County Flood Control District should be considered. Cal Trans should comment on the access to Highway 1 for the Cal Fire project, the development of parcel N4 and the access from Stenner Creek Road. The County Flood Control District should be consulted regarding the drainage of parcel N4 into the city of San Luis Obispo.

Throughout this document there is inconsistency with the way parcel N4 is delineated and described.

- On the southern portion of that parcel is a parcel used by Cal Fire. The status of that parcel must be explained. Is that parcel leased to Cal Fire? Is that parcel owned by Cal Fire? Or is there some other relationship between Cal Fire and Cal Poly?
- Is that parcel part of Cal Poly lands or Cal Fire's land?
- The maps in the Draft Environmental Impact Report – Master Plan 2035 show this parcel as part of Cal Poly lands and in other maps it is shown as separate from Cal Poly lands. The maps should present this parcel consistently.
- There is a proposal for additional development on the Cal Fire parcel. That development must be considered in the cumulative impacts of the Master Plan.
- Maps that show parcel N4, listed as follows, are not consistent in their consideration of the Cal Fire parcel:
  Page 7, 8, 9, 12, 13, 14, 18, 21, 37, 99, 109, 112, 113, 151, 157, 167, 191 192, 203, 269, 288, 289, 297

Page 12 Student Housing
The goals for student housing in this section conflict with the statements about the housing mix for parcel N4. Throughout the document it appears to assume that the housing proposed on parcel N4 will not include students. But there is nothing in the record that indicates that will be true. The very definition of the RN land use category allows students. If students are allowed to live on N4 then their impacts must be investigated. There is no evidence in the record that this has been done. Either the definition of the RN land use must change to exclude students or students must be considered as potential tenants of housing on parcel N4.

Figure 5 Existing and Planned Student Housing
The potential student housing on parcel N4 is not shown on this map. If the definition of the RN land use category allows student housing on this parcel, then it should be included as proposed student housing.

Page 13 Faculty/Staff Housing and Options Primarily for Non-Students
The title is clear that this use is primarily for non-students but students are not excluded. Simply stating that it is "Primarily for Non-Students" does nothing to reduce the impacts students may have if permitted to live in the housing on parcel N4. There is no information in the record that will exclude students from living on parcel N4.

This section goes on to state,

> …up to 1,470 units that will be made available to the University faculty and staff, non-traditional students, and the general public."

It is clear from this description that students may live in these areas. The general public does not exclude students. The record is clear that the intention for the uses on these parcels includes students. Therefore, the record must show evidence that the impacts of this use can and will be mitigated.

Page 16 Roadways
This section should include the new access required to access parcel N4. A map showing these changes would be helpful in placing the locations of these proposed changes. The map on page 17 does not show these changes. The changes being proposed in this section are significant and environmentally risky. The record does not fully investigate the potential impacts associated with the projects outlined in the paragraph.

Page 18 Utility Infrastructure Improvements
This section describes a "wastewater reclamation facility located near the southwest corner of campus near the UPRR." It would be helpful if this site was located on a map. There is no evidence in the record that addresses

the impacts of this project. There is not even adequate information in the record to describe where this project is.

Page 20 View Preservation:
This section describes the importance of protecting the view shed associated with the Master Plan but does very little to demonstrate mitigations that will implement these elements of "Design Character."

Page 23 West Campus:
The description of the west campus is incomplete as there is no information about parcel N4.

Figure 17 Page 37
Parcel N4 is labeled "Non-Native Annual Grasslands." Where is the information in the record that establishes this designation? There is a vernal pool in the southern corner of this parcel and a drainage. These areas should have more detailed investigation to determine if there are any significant flora or fauna on them which may alter the Non-Native Annual Grassland designation. Or at a minimum these areas should be singled out for designation. There is a reference to a field survey done in March 10, 2017 (page 47) but I could not find the study in the record.

Page 41 "A small drainage flows through the southwestern corner of the N4 Residential Neighborhood site in the West Campus planning area." If it exists, it is difficult to find the information in the record that discusses the impacts of potential development to parcel N4 on the drainage and fauna and flora of this drainage. The drainage is identified but impacts are not identified or mitigated.

Page 47 discusses some of the mitigation measures for impacts to this site. The record is so vague and the mitigations are so abstract that there is little correlation between the two. Without a though investigation of the impacts in this area, proper mitigations cannot be developed

Page 48
There is no information in the record that Fairy Shrimp or Red Legged Frogs were not found in the area of parcel N4. Regarding red legged frogs, page 50 indicates that the "campus is located within Critical Habitat area SLO-3 for this species." A complete multi seasonal study must be done to access the potential of impacts on the red legged frog and fairy shrimp.

Avoidance would be the best mitigation to any impacts to this drainage on its associated vernal pools.

Page 51 Nesting Birds
There is no evidence in the record to indicate if there are any impacts to nesting birds. In the area around parcel N4 it is know that there are a variety of nesting birds along the perimeter of the grassland. Many of these birds feed in the grasslands. Impacts on their habitat must be documented and mitigated.

Page 54 Mitigation Measures
3.1.1 This measure will provide mitigation after project approval. Impacts and resources must be understood earlier in the process to drive the planning process and avoidance of any significant impacts.

3.1-3 The resource agencies should be consulted prior to finalizing the Draft Environmental Impact Report – Master Plan 2035. The areas of concern of the resource agencies should be known prior to implementation of this plan. Their input would help drive the final decision on the Master Plan.

3.1-4 Who is recommending this protocol and how does the implementation of this protocol mitigate impacts on nesting birds?

3.1-8 The trail plan should be part of the Master Plan. Without an understanding of the trail plan, it cannot be determined if there will be any impacts associated with it. It should be known now where the proposed trails will be so the public and the decision makers can assess their impacts.

Page 93 Figure 20
Even though parcel N4 is used for sheep grazing, it is not listed on this map.

Page 104 Figure 22
Parcel N4 is not properly shown. The Cal Fire parcel does not go all the way to the western edge of the parcel.

Page 105
Farmland Conversion
Parcel N4 is currently being used to graze sheep. An investigation needs to happen to find out if that parcel would be suitable for other agricultural uses. If N4 has any agricultural potential other than grazing land it should be identified. The land may be suitable for olives or other crops.

Page 109 Figure 23
Because Parcel N4 is incorrectly identified as Other Lands and not Ag lands it is improperly excluded from the conversions discussion of this section.

Page 112 Figure 24
Since the color shading is hard to distinguish, it is difficult to understand the different designations on parcel N4. This is identifying the CDF property as lease property. If this is correctly identified as a lease holding there must be a full disclosure surrounding the access road shown in the recent proposal to update the Cal Fire San Luis Obispo Regional Unit Headquarters Replacement Project. Is there an agreement between Cal Poly and Cal Fire for mutual use of the proposed access? If Cal Poly plans on using that access, the environmental consequences of that must be investigated.

Page 124 correctly describes the view shed from Highway 1 and west. Depending on the scale of construction on parcel N4 the views looking west can be significantly altered but the views from the residents to the south and the west looking north and east will be adversely affected. There is no information in the record that those potential impacts were investigated nor mitigated.

Page 127 and 128
It is noted that Highway 1 was designated a Scenic Highway but there is nothing in the record that demonstrates the Master Plan will be consistent with that designation.

Page 128 to 134
The Draft Environmental Impact Report – Master Plan 2035 correctly identifies the policies of the county of San Luis Obispo and the City of San Luis Obispo concerning the Highway 1 corridor but does nothing to demonstrate a willingness to comply with these planning principals. The Draft Environmental Impact Report – Master Plan 2035 tells us what the County and City policies are for this corridor but does nothing to demonstrate compliance with these planning principals. Even though these principals guide other development in this area, the DEIR ignores them by saying that the City and the County have no jurisdiction in these areas,

therefore their policies can and will be ignored. I would like to see more cooperation between Cal Poly and local jurisdictions, and a respect and implementation of their guidelines for development in this area.

Page 136
Section starts with "The West Campus includes some of the most visually sensitive area of the Cal Poly main campus." This paragraph reinforces the high visual values of this area while recognizing City and County policies while at the same time ignoring them, because "These policy designations do not govern Cal Poly lands."

Page 136
The last paragraph is very disturbing, in that it denotes the high scenic values of this area but goes on to state that the Master Plan will ruin it with little or no mitigation.

Page 139 to 140
Regarding development on the N4 and N5 parcels, the DEIR states "However depending on the final design of these future developments, it is possible that larger structures could interfere with quality views of the Santa Lucia Hills and Cuesta Ridge scenic resources as seen from Highway 1." It should be added that this visual resource will also be degraded from the nearby residents. This is an important passage to note, as at this point in the environmental review process, it is already apparent that the Master Plan "could interfere with the views." The impact is being identified but appropriate mitigations are not discussed. This is a major weakness of the DEIR. The DEIR has identified a problem and has not provided mitigation for it.

Page 143
The DEIR offers mitigation 3.4-2 to mitigate the visual impacts to the important scenic resources along State Scenic Highway 1. There is no information in the record that indicates this mitigation will cause this impact to be mitigated to any level. Without proper analysis of this area there cannot be any realistic mitigations provided. It is almost laughable that the DEIR offers mitigation 3.4-2 as a mitigation for the horrible wound any development along the Highway 1 corridor will create.

Page 145 Level of Impact After Mitigation
There is absolutely nothing in the record that will cause this statement to be true. There is absolutely nothing in the record that demonstrates that Mitigation 3.4-2 will mitigate this impact. There is absolutely nothing in the record that could lead someone to think that this impact "will be less than significant".

Page 154 Landslide and Slope Instability
There is no information in the record to inform on the potential for landslide or slope instability on parcel N4. There are extreme slopes on this parcel and there is no information in the record that investigates its potential for landslide or slope instability.

Page 155 Figure 38
This map does not show the lands north and west of the campus. Those lands are proposed for significant changes in the Master Plan and should be included in the landslide boundary.

Page 157 Figure 39
There is information presented in this map but the base data used for developing this map is not available for critical public analysis. The report which is the basis for this map should be included in the DEIR.

Page 167 Figure 40

This map shows a 100-year flood plain down gradient of Parcel N4. There is no evidence in the record that indicates that the proposed development on parcel N4 will not adversely impact residents downstream from this parcel.

Page 168 Water Supply
To understand the present plan, I have considered the previous plan. In reference to the *Cal Poly Master Plan & Environmental Impact Report,* which was adopted and certified by the California State University Board of Trustees March 21, 2001: on pages 227, 321 and in table E-5, the *2001 Master Plan* states, "Because future water demand will begin to tax the University's supply of Whale Rock water, the following programs should be instituted:

- Water Conservation Program
- Drought contingency plan. As part of implementation of the Master Plan, the University will draft a drought contingency plan to address potential water shortages associated with extended drought conditions.
- Additional Water Supply. The University should investigate the availability of additional water supplies over the next twenty-year horizon."

1. Can you tell me where I can find a copy of the "drought contingency plan" mentioned in the 2001 Master Plan?
2. Can you tell me what progress the University has made in investigating "the availability of additional water supplies over the next twenty-year horizon?"
3. Since these were approved and finalized mitigations for the previous Master Plan, they should be considered in the proposed Master Plan as mitigations for the deficient water supply anticipated in the new Master Plan.

This section of the DEIR indicates that there is not enough water to build out the Master Plan. The mitigation appears to be that the Master Plan will only move forward if there is enough water and the entire plan will not move forward until additional water resources can be found.

Page 177 Flood Hazard
The potential problems of development on parcel N4 are not investigated at all. While there should be no problem to the campus in regard to the drainage from this parcel, the City of San Luis Obispo and its residents could be significantly impacted. The level of that impact is not known as there is no evidence in the record that indicates a study of this issue. Earlier in the DEIR there is a figure which shows off site areas of 100-year flood events. This area is down gradient from parcel N4 and the impacts must be investigated and appropriate mitigations should be presented.

Page 180 Drainage and Runoff
Drainage from parcel N4 should be included in this section.

Page 182 Mitigation Measures
3.6-1 This mitigation demonstrates the flaws inherent in this type of an EIR. Impacts will not be mitigated until the future project is in design phase. If the impacts associated with drainage on parcel N4 were known at this point in the process, the Trustees could decide on the proposed projects based upon valid information. Information at this point in the process can inform and cause the Master Plan to change based upon data. This mitigation measure will help when a more specific project is in design but it does not inform the decision

makers about the benefits of certain design elements of the Master Plan at the earliest possible point in the overall approval.

Page 188 Figure 41.
The access road into parcel N4 is not listed. While it might be true that Cal Poly does not know where it will go at this time, it is known that if Cal Poly develops housing for over 400 people, there will be impacts. There is no evidence in the record that this access has been investigated and potential impacts from it have been developed.

Page 200 Parking
Is there any evidence that shows that students who live in the current dorms do not park their cars off campus?

Page 201 Jobs Housing imbalance
This discussion assumes that students and staff want to live in San Luis Obispo. I would like to see the documentation that shows this. I feel (with no evidence) that many folks prefer life styles and living arrangements that are not available in the City of San Luis Obispo. The strength of the jobs housing imbalance argument to construct more housing in San Luis Obispo does not consider other living choices people can and would make.

Page 201
The trip calculation for the number of trips for traffic related to N4 must show the lack of any retail or services being proposed on this site. This will create additional vehicle trips that must be considered.

Page 203 Figure 46
There is no accounting of vehicle trips from parcel N4. These vehicle trips must be accounted for and properly mitigated. This will be difficult to do as the location of the access has not been determined.

Page 225
Mitigations 3.7.2 and 3.7-3 These two mitigations require the installation of a traffic signal. There is no documentation in the record that Cal Trans will support such signalization. There are additional problems with these intersections that were not discussed. Some of those issues have to do with U-turns to use these access points, and the potential for accidents this might cause. The location for the access to parcel N4 has not been determined. This access could create a problem with the border wall in place for most of the length of N4. There is no discussion of what Cal Trans would recommend at these two locations. That information must be included in the final EIR. The problem of U-turns is identified but the impact of this issue is not analyzed and no appropriate mitigations are presented.

Page 226 US 101 Freeway
This section provides a description of the problems Cal Poly will have in providing improvements on 101, which is under the control of Cal Trans. This same argument should be made to include improvements to Highway 1. Therefore, this impact should be significant and unavoidable, unless Cal Trans is brought into this process at this point to provide guidance on the Master Plan. Their guidance should be considered by the Trustees when they make their decision on the FEIR and the Master Plan.

Page 245 Naturally Occurring Asbestos
Parcel N4 has some rock outcroppings on it. There is nothing in the record that provides information on naturally occurring asbestos on this parcel what mitigations there will be should it be found.

Page 270 Noise
In the first paragraph on this page it is stated:

> …the new student housing facilities will be located deeply within the interior of the campus and far away from the surrounding residential neighborhoods, there will be no significant noise impact on the existing neighborhoods in the campus vicinity.

This is not true as students will be allowed to live in the development on the N4 parcel which is directly adjacent to residential neighborhoods. Unless students are prohibited from living in the residential units on N4, the statement on page 270 is factually not true. Therefore, better data is required and mitigations must be included.

The last paragraph on this page repeats the false statements that no students will be living in the project on N4. The description for the use in the RN land use category is clear. Students may be allowed and therefore should be anticipated.

Page 271
States:

> "…no significant noise impacts on the existing off campus residential neighborhoods is anticipated."

There is no evidence in the record that indicates this is true. The record actually indicates that there will be noise issues in those areas where students live. Students are allowed in N4 so there needs to be evidence in the record to provide a factual basis for the statement that there will be no noise impacts.

Page 288 Figure 49
On figure 49 the potential student housing on parcel N4 is not identified. Even though the Master Plan indicates that the housing in this area will be for non-students, there is no prohibition to students living there. Therefore, parcel N4 should show potential student housing.

Page 291 The DEIR states "The Master Plan will not directly or indirectly induce substantial population growth in the City and County…" The DEIR has not adequately studied the cumulative impacts of the Cal Poly Master Plan and all the proposed growth in the City of San Luis Obispo. The DEIR indicates that there is not enough water dedicated to Cal Poly to complete this plan. Combined with Global Warming and climate change, I believe there needs to better data indicating that the cumulative impacts of both the Master Plan and the proposed growth in the city will not have significant cumulative impacts on the City of San Luis Obispo. There is no evidence in the record that the addition of over 4000 students and additional staff and faculty will not adversely impact the quality of life for the current residents of San Luis Obispo.

Page 291 Mitigation Measures. The DEIR states "Impact will be beneficial and no mitigation is required" Given the history of growth from the Cal Poly community, this is a ludicrous conclusion to make. Every time Cal Poly grows, there seems to be more student related issues in the community and more demands on the limited resources of the city.

Page 292 Cumulative Impacts
The DEIR has not done an adequate job of understanding the cumulative impacts of all the proposed growth pending in the city. There is some evidence that there is reason to be concerned about having enough water for all the growth in the city as well as Cal Poly. The DEIR even indicates there is currently not enough water for full implementation of the Master Plan. The cumulative impacts to traffic are also not adequately investigated

when the cumulative impacts of all the proposed growth in the city of San Luis Obispo is considered. Cal Poly does not operate in a vacuum. What happens at Cal Poly will have tremendous impacts on the neighborhoods surrounding it and the larger community as a whole. The Master Plan projects growth which will be felt throughout the community.

The DEIR goes on to state, "…campus development pursuant to the Master Plan will not result in significant contribution to the cumulative impact associated with future population and housing growth projected for the City and County." For some residents who live in San Luis Obispo, this statement is just false. While it might be true that the University will attempt to house more students, faculty and staff on campus, there is such a large deficiency already in place that the Master Plan will not do much to take care of all the quality of life impacts the growth of Cal Poly will have on the community.

Since most of the proposed residential neighborhoods proposed will be open to the general public, these developments cannot truly be considered as mitigating the growth proposed in the Master Plan.

Page 318 The DEIR states, "…. implementation of the Master Plan and proposed residential neighborhoods, combined with regional population growth and other planned and proposed projects will place an increased demand on off campus public services and recreation." There are no mitigations proposed to correct this deficiency.

Page 323 Figure 57- There is no evidence in the record that describes the provision of water and sewer infrastructure to parcel N4. Since growth on this parcel is being proposed in the Master Plan, the environmental impacts associated with water and sewer infrastructure must be understood and properly mitigated.

Page 348 Storm Water Drainage. There is no evidence in the record that would indicate that there will be no cumulative impacts to storm water drainage. There has been no study in the record that looks at the potential impact from the development of over 400 units on parcel N4 and the subsequent inundation that may occur down gradient from this project. If that study was done at this point in the process, it may be determined that parcel N4 is not appropriate for development. Avoidance could be the most appropriate mitigation.

Page 352 Cal Poly Water Use Reductions. The DEIR states, "Cal Poly implemented a comprehensive drought response water management program to reduce water use on an ongoing basis." Since this plan is being used as a potential mitigation for water use, it should be included as an appendix to this document.

Page 359 The DEIR states, "use of available reclaimed water will be provided for by construction of a reclaimed water system to distribute reclaimed water for agriculture and landscape irrigation on campus." This is a project and as such should be included in the DEIR. The full impacts of a project suggested as a mitigation for the Master Plan must be properly investigated and mitigated.

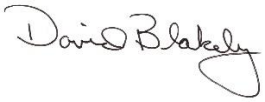
Page 359 The DEIR indicates that 40AF of water use will be saved with the implementation of smart landscape irrigation controls and low flow plumbing. There must be some quantifiable record of this savings before the Master Plan can move forward. Simply saying that there will be this savings does not mean there will actually be this savings.

Throughout this document Cal Poly has made the argument that building more housing on campus would benefit the overall community. This is a weak argument. Yes, it will have an impact on the housing market in SLO but all of the other quality of life impacts will be proportional to the increase in population growth on the campus.

The environmentally superior alternative would be the Master Plan without the Residential Neighborhoods. There may be some modifications to this alternative that may warrant further investigation. There should be a scaled back Residential Neighborhood plan where the development on N4 and N5 would be eliminated.

Page 375 Growth Inducing Impacts. These impacts are underrepresented. Cal Poly is simply using the numbers of increase in student and non-student growth at the university. But an increase of over 5000 people as envisioned in the Master Plan will precipitate growth throughout the community. This will be growth that will support the growth on campus. This growth inducing impact is not investigated and not mitigated. With more students and staff, there will be more support infrastructure needed in the community. This cumulative impact needs to be understood and mitigated.

Sincerely,



David Blakely

Jeffrey K. Dumars

Letter
I19

From: Sarah Elizabeth Spann
Sent: Wednesday, January 29, 2020 10:36 AM
To: Jeffrey K. Dumars
Cc: Environmental Planning; Ray Aronson
Subject: Request for Comment Period Extension (CP Master Plan RDEIR)

Dear Mr. Dumars,
The intent of this email is request an extension of the comment period on the Cal Poly Master Plan Recirculated Draft Environmental Impact Report. On the surface it appears that Cal Poly has met the bare minimum requirements of the CEQA Guidelines for Public Review of the RDEIR (Section 15087); however, for an institution that purports to embrace inclusivity, the public (including the campus community of students, staff, faculty, and administrators) have been overtly absent from the process of scoping the RDEIR (which is significantly different from the original DEIR) and now we have not been given ample time to review and comment on the RDEIR.

I think it is shameful that the RDEIR was released during winter break when the vast majority of the campus community was absent from the daily campus operations. In addition, there were no campus-wide emails announcing the availability of the RDEIR, there were no public hearings advertised for the RDEIR, and the comment period for a large and complex Master Plan has been confined to the mandated minimum of 45-days. While the legal requirements of the Guidelines *may* have been met, the objectives of the statute, including fostering/enhancing public participation certainly have not. Additionally, by not encouraging the involvement of the campus community it seems that the concept of campus inclusivity is merely rhetoric.

Again, I respectfully request that the RDEIR comment period be significantly extended to allow for meaningful public participation on this important project that affects the entirety of the campus community and the larger community of San Luis Obispo.

I19-1

Thank you for your time,

Sarah Spann
Lecturer, Natural Resources Management and Environmental Sciences
Cal Poly State University, San Luis Obispo
Email: sspann@calpoly.edu
Office: 805.756.2420

Jeffrey K. Dumars

Letter I20

From: Eric Greening <dancingsilverowl@gmail.com>
Sent: Thursday, January 30, 2020 8:38 AM
To: Environmental Planning
Subject: Public Comments from Eric Greening on Cal Poly Master Plan RDEIR

Hello!

Thank you for the opportunity to review and comment on a Revised Draft EIR that is, in SOME ways, an improvement over its grossly deficient predecessor, but that still is not adequate to move forward to the Final stage. I20-1

Before getting into the issues of the document's content that still fall short of providing a credible foundation for meaningful public comment, I must point out the apparent complete lack of any on-campus outreach to inform faculty, staff, and students of the availability of the document or the fleeting opportunity to comment. The starting of the comment period at the beginning of the holiday break, and sticking to the bare legal minimum period of 45 days, already put the campus community at a disadvantage, but this disadvantage was exacerbated by the lack of any evident notification: no messages in inboxes; no flyers or posters; no articles in the Mustang; no noticed meeting or hearing to provide a physical venue to take comments. I only learned of it because my natural suspicion kept me checking the Master Plan website through the holidays. Without exception, everyone member of the campus community I have spoken to once school was back in session did not have a clue about this comment period until I told them; this includes professors of environmental science and even the head of the Journalism Department! Requests for a time extension and for better notification, by myself and others, have apparently fallen on deaf ears. It is as if there were an intent to evade, rather than encourage, public comment. If that is NOT the intent, it is not too late to ask that this lack of outreach be remedied; nonetheless, given the deficiencies of the document, it may be a more efficient use of time if, rather than extending the comment period on the current document, it could be withdrawn for another round of at least partial recirculation before providing a better noticed, better-timed comment period on a document more adequate to the purpose than what we now have in front of us. I20-2

Those eager to move forward with implementation of the Master Plan are unlikely to be happy about yet another round of recirculation, in the wake of the two years it has taken to emerge with this revised DEIR. There is no reason to believe getting it right this time will need to take that long, and the time it does take will be time well spent. CEQA is best seen not as an obstacle to projects, but as a way to make projects more effective at attaining their objectives, while minimizing harm. In that connection, I would like to mention, for the record, the correspondence sent in two years ago by Whitney McDonald on City of San Luis Obispo letterhead relative to the previous draft. It has never been responded to, because the previous draft did not move forward toward a Final EIR that would incorporate such responses. But it remains on the public record of the City of San Luis Obispo, and as such, should be repeatedly referred to when this RDEIR is taken back for further work, because it is worth keeping track of how many of the important issues she raises have been constructively addressed. My take is that it is about half, and that is not enough. I20-3

On a positive note, I am very thankful that this time around, Greenhouse gas emissions are no longer erroneously dismissed as Class III, but recognized as Class II with mitigation measures proposed. That said, although the revised document does contain some worthwhile measures, I question their ability to mitigate greenhouse and climate impacts to insignificance. No apparent effort is made to mitigate the emissions inherent in the many products made elsewhere and brought onto campus, or in the covering of soil, whose microbes are currently drawing down carbon, with hardscaping. And the level of mitigation that IS attempted is entirely too I20-4

dependent on purchase of offset credits: over 8000 Metric Tons of Carbon Dioxide Equivalent per year, compared to fewer than 2700 from on-campus efforts. The impacts of failing to do everything possible in the educational environment itself are magnified BECAUSE of the education taking place there; students in a "learn by doing" setting learn by example, and develop lifelong habits, whether they be of solving or evading the problem. The lack of land-based drawdown or sequestration measures, aside from some tree planting, is conspicuous.

Transitioning campus agriculture in a more plant-based and regenerative direction could make a significant contribution to on-campus greenhouse gas mitigation, and to students continuing to be part of the solution rather than part of the problem for the rest of their lives. Whether or not one believes that animal agriculture as routinely practiced raises significant moral issues, there is growing evidence that a diet dependent on production from confined animal facilities has a far larger ecological footprint, including climate footprint, than does plant-based sustenance. It is also increasingly clear that confining animals intended for consumption creates reservoirs for the development of epidemics and pandemics that can spread to people (as well as fomenting the development and spread to people of antibiotic resistance), and among people. The current health and economic impacts of the coronavirus scare are illustrative, and policy-makers are beginning to entertain the possibility of transitioning away from, and ultimately banning, confined animal facilities as a human health precaution. Cal Poly would be well advised to be preparing students for a future whose food production systems evolve away from present models.

i20-4 cont.

In addition to a shift in emphasis from animals to plants, a shift in methods from industrial to regenerative is essential both in reducing greenhouse gas impacts of the proposed project, and to preparing students to create a livable world freed from the current trajectory of increasing greenhouse gas concentrations and decreasing biodiversity. We can be thankful for the existence of the Cal Poly Organic Farm and of the Student Experimental Farm, and these efforts should be robustly supported and expanded, with the activities thereon directed toward contributing an added share of on-campus greenhouse gas mitigation.

The significant acreage of grassland and oak savanna owned and managed by Cal Poly could be the site of large-scale experiments in such solutions as biochar (for which trees and other vegetation that die onsite can be a feedstock for biochar applied onsite, keeping the biomass from being exported) and the sort of light applications of compost recommended by such researchers as Marcia deLonge, Rebecca Ryals, and Whendee L. Silver. Any practices that need small-scale trials before being expanded to wider campus acreage could be studied in miniature at the Student Experimental Farm.

Not only is the excessive dependence on purchase of offset credits a lost opportunity in educating students, but it is of uncertain effectiveness. What, exactly, will the money be used for? Will it go to vanity projects that are actually significant net emitters, such as High-Speed Rail, which now is the occasion for considerable fossil fuel consumed by bulldozers, and which will remain a net emitter for decades until (if ever) trains operate between metropolitan centers and actually induce people to fly dramatically less?

I20-5

The CEQA Handbook for the California State University System mirrors CEQA law and the CEQA Guidelines in listing mitigation options in priority order, with avoidance being the highest priority, followed by minimizing, rectifying, reducing, and finally, compensating. Compensating is intended as a last resort after possibilities among the other options are exhausted. Purchasing offset credits for uncertain use offsite is a form of compensation, and it should be resorted to only after all feasible possibilities for onsite avoidance, minimization, rectification, and reduction are exhausted.

But the most significant problem with dependence on purchase of offset credits, and on all other mitigation measures throughout the RDEIR that represent a significant ongoing financial commitment, is that the public has no basis for confidence that the promises to mitigate will be honored.

I20-6

Financial issues are not generally considered environmental issues, but in this case, they are central to the credibility of the RDEIR and to its ability or inability to be certified. It has been my observation that many efforts to which Cal Poly is "strongly committed" in such areas as waste reduction are not generally BUDGETED commitments, but are dependent on the happenstance of grants. For the public to be able to count on such mitigation measures as purchase of offset credits, the public needs evidence that they WILL be budgeted, and at present there is no such evidence; there is, in fact, no evidence, either in the Master Plan or in its RDEIR, of the slightest awareness that the vastly expanded campus envisioned by the Master Plan will require a considerable ongoing expansion of the Cal Poly OPERATING budget, nor is there any indication of what source or sources of funds could be tapped for these demands. Even the capital funding gets almost no attention. The previous draft of the Master Plan contained a capital cost estimate of $500 million (certainly a vast underestimate, given that the William and Linda Frost Center for Research and Innovation is costing over one fourth of that amount, compared to the dozens of new buildings envisioned in the Master Plan; that structure also raises the issue that, to the extent that a capital campaign depends on those able to make sizable contributions, it may find that these mega-donors have their own ideas about what should be built, regardless of the contents of the Master Plan) and a vague list of possible sources of such funds, without any precise indication of which among them would be activated. The latest draft of the Master Plan lacks even that. Neither draft, and neither EIR, looks at the issue of operational funding. Students can't help but be concerned that tuitions and/or dorm rents will spike to cover these inevitable but unexplored expenses. Faculty and staff can't help but be concerned that unbudgeted operational expenses might be backfilled through parsimoniousness with the pay and benefits that they earn. Even if such sacrifices are demanded, will they be enough to pay for the maintenance of all the infrastructure and functions of a vastly expanded campus AND the full implementation of every promised mitigation measure? I20-6 cont.

This raises the further question of how the public can be informed of the extent to which promised mitigation measures are carried out or avoided, and by what means the public can insure enforcement. Mitigation measures are an integral part of any project under CEQA, but in the case of Cal Poly, which is subject to no local land use authority, there is no clear pathway toward local accountability, nor is there any local entity the public can call on to come on campus and enforce the observance of promises made. I20-7

When this RDEIR is taken back for more work prior to another comment period, as it must be, since it is not yet fit to move forward to a Final EIR, the re-revised document needs to clearly demonstrate to the public a credible plan by which all the mitigation measures will be budgeted and funded, and a credible mechanism by which members of the public can stay apprised of, and can intervene to enforce compliance with, the orderly and predictable implementation of every mitigation measure. I20-8

Before I leave the subject of economics, I must note that the RDEIR refers to one of the Master Plan's underlying goals: increasing the diversity of the student body and campus community. I must also observe that doubling the duration of compulsory dorm residency from one year to two further raises an existing economic barrier that will even more effectively filter out potential students of limited economic means. The economic burden is worsened by the lack of access to kitchen facilities for most dorm residents, leading to dependence on the costly "meal plan." I agree that there are virtues in providing on-campus housing for a greater proportion of the student body, to reduce direct transportation impacts from those who now commute to the campus, to free up housing stock in the adjacent city which could reduce the jobs/housing imbalance between the city of San Luis Obispo and the rest of the County, further reducing transportation impacts, and to create more of a learning (and doing) community. However, if "provide" means "compel," the "community" that forms is not based on the free association and autonomy that are essential ingredients to communities in a free country. The supposed justification of the existing compulsion imposed on first year students, and proposed for second year students, is statistics showing that a higher proportion of students who live on campus for at least two years graduate in four years than of students who do not. Two problems with using such a statistic as a basis for depriving students of choice: 1. Correlation may not be causation; it could be that students who can AFFORD to live on campus year after year are less likely to have their college careers delayed by distractions such as the need to work too many I20-9

hours to take on a full course load, and 2. Even if on-campus life is good for more people than it is not good for, that doesn't mean it is good for everyone. People are individual in their needs, personalities, and circumstances, and that individuality needs to be respected if a GENUINE community is to be formed of diverse people each of whom bring their own special talents and needs. One size does not fit all.

Why can't options be provided that would ATTRACT more students of their own volition? There is no reason why expensive dorm rooms should be students' only on-campus choice for two years. UC Berkeley and UC Davis offer the option of co-op houses, which are far more of a "learn by doing" experience than are dorms. Students govern and care for their collective homes and cook for each other; if attracting a more diverse student body, including students from low income families, is a genuine goal, it is worth noting that students living in co-op houses on those campuses pay about half the annual cost for rent and food as do Cal Poly students living in dorms and on the meal plan. During the interval needed for revising the RDEIR to be truly ready for the sort of comment period that can genuinely lead to a Final EIR, the Master Plan should be revised to incorporate such options; to the extent that co-op houses could carry features of eco-villages, they could help mitigate greenhouse gases and other impacts. Knowing the strength of Cal Poly's departments such as Environmental Design, the tapping of student creativity at solving ecological and social problems in original ways that draw on, and expand, their knowledge base could be a worthy goal on its own, even if other goals, such as increasing student diversity and mitigating environmental impacts were not also being achieved.

I20-9 cont.

Coming back from this excursion into issues that could be called "economic," then, but that do have a distinct bearing on the balance of environmental impacts with stated goals, when it comes to the section on greenhouse gas emissions, the need for partial recirculation in order to complete the inventory of impacts, and to propose all feasible on-campus mitigation measures, provides a time interval which can also be used to revise the Master Plan to better align with stated goals, as noted above, an alignment which may, itself, open avenues of mitigation to the extent that alternative on-campus residential options can be built around environmental as well as community-building objectives.

What other sections should participate in a partial recirculation? Unusually, there is no defined section of "Water," but the water-related issues, which are mostly but not entirely covered under "Utilities," need considerable clarification.

This comment letter was preceded by two earlier ones I also sent. The first was a simple request for a time extension; the second cc'd Mr.Dumars on a letter sent to the San Luis Obispo City Council, calling attention to discrepancies between the Water Resources Status Report that was received on Consent Item 5 on that council's January 14th agenda and the narrative accompanying the RDEIR's "Impact 3.14-1: Require or Result in the Relocation or Construction of New or Expanded Water Infrastructure." I have found, in further conversations online and in person with various people in City leadership (staff and council) that some share my concerns, while others are hopeful that the Water Reclamation Facility proposed for construction just west of the Student Experimental Farm will allow a better balancing of potable and non-potable sources and more efficient use of water from Whale Rock Reservoir. I won't indicate who is or is not concerned, because it is up to each person to share their concerns in their own correspondence, but I am among those who continue to be concerned, and to see the water supply issues as sufficiently unaddressed that I believe the chapters on Utilities and Hydrology should join the chapter on Greenhouse Gases in the at-least-partial recirculation this document needs.

I20-10

The orderly progression of Master Plan development depends on the completion of the first phase of the Water Reclamation Facility in 2022. Yet the RDEIR itself expresses skepticism about whether this will occur, and posits a significant impact from its non-occurrence. The re-revised RDEIR needs specific information about the state of development of this facility and a plausible timeline for the completion of its first phase. This must include such considerations as provision of adequate electrical power to that part of the campus, as well as what stage of design this facility is presently in, if any, and what it will cost and whether that cost is now budgeted.

I20-11

Impact 2.14-1 also needs considerable work. It is currently considered insignificant, yet the Water Reclamation Facility IS new "water infrastructure," as are whatever pipelines convey water to and from this as-yet-undeveloped site. What are the SIGNIFICANT impacts of this new infrastructure, and what mitigation measures are proposed to ameliorate those impacts? I20-12

Also needing examination is the ongoing capacity of Whale Rock Reservoir to serve all anticipated needs of all three members of the Whale Rock Commission, INCLUDING the added needs occasioned by the Cal Poly Master Plan, given the uncertainties imposed by accelerating climate change. I suspect that Cal Poly IS concerned about excessive dependency on this source; why else would it have approached the City of Morro Bay seeking to purchase some of their State Water supply? When the City Council of that city discussed the ongoing negotiations on November 12th, it was clear that no contract for water was ready to result, and no certainty about the availability of water for sale could be attained until Morro Bay's new Wastewater Treatment Plant was operational; it has yet to break ground.

Where else is Cal Poly seeking added water supply? How much water, in excess of that vaguely accounted for in the present RDEIR, does it anticipate needing? What are the impacts of drawing on the yet-unknown sources, and of conveying water from those sources? How, given these yet-undisclosed uncertainties, can the impact of new water infrastructure be dismissed as insignificant? I20-13

Clearly, all sections that touch on water need reworking during the at-least-partial recirculation process, with the impacts of any possible option for bringing needed water to campus revealed, assessed, and mitigated.

Do other parts of the RDEIR need to be included in the recirculation? Perhaps to the extent that changes in impacts result from changes in the underlying project description, as the goal of increasing campus diversity is addressed rather than thwarted by the provision of lower-cost living options such as co-op houses. It would also be good to see a route indicated for the section of the Chorro Valley Multi-use Trail that crosses the campus. That project as a whole, overseen by the Council of Governments pursuant to its Regional Transportation Plan, will be unfundable until Cal Poly joins local jurisdictions in allowing a complete route to be shovel-ready. Any impacts of that route could then be assessed in the re-revised RDEIR. it would also be good to have some clarity about the progress or lack thereof the project that was broken off from the Master Plan to undergo separate environmental review and processing: the proposed faculty housing to the northeast of the intersection of Slack and Grand. Is this project moving forward; is its description stable or changing; what are the cumulative impacts on such issues as water supply and traffic flow taking both projects into account? I20-14

There are other issues that I may be able to get into a follow-up letter prior to the apparently-immovable expiration of the comment period, but it seems wise to get this present letter into the record as soon as possible, since addressing its issues will require a commitment of time, and sending it sooner rather than later underscores that the intent is not delay but thoroughness and a Master Plan that better meets its stated objectives with the fewest unmitigated impacts. I20-15

Thank you for your attention, Eric Greening

Jeffrey K. Dumars

Letter
I21

From: Eric Greening <dancingsilverowl@gmail.com>
Sent: Saturday, February 1, 2020 7:06 AM
To: Environmental Planning
Subject: Further comments from Eric Greening on the Cal Poly Master Plan RDEIR

Hello!

This is my fourth letter that the record needs to include during this comment period. The first was a brief request for a time extension. The second cc'd the EIR consultants on correspondence with the San Luis Obispo City Council, relative to inconsistencies between the Water Resources Status Report that council was receiving at their meeting of January 14th and assumptions in the Master Plan RDEIR. The third was a whirlwind attempt to hit the "high spots" in showing why, once again, this RDEIR is not yet ready to proceed to a Final EIR, and needs at least partial recirculation, unwelcome as that prospect might be for the impatient.

This fourth letter will continue to make that case. I apologize for the scattershot approach; it frankly surpasses belief that, once multiple requests for a time extension had been received, pointing out not only the inappropriate timing of starting a bare minimum 45-day comment period early in the holiday break, but also the utter lack of on-campus notification of the opportunity to comment, the deadline would not be extended. I suppose it was my own fault to have assumed that it would be extended, and to have assumed that I would have had time to employ a more organized, comprehensive, and thorough approach to delivering the needed comments. But the situation is what it is. Scattershot or not, however loosely they may be formatted, all the issues raised by all of us who comment need either to be thoroughly addressed with formal responses, or, better, used to help guide the preparation of yet another recirculated draft, since formal responses are only given in a Final EIR, and the document before us falls far short of being ready for that step. I21-1

Let's start, then, with a process question that should probably be addressed before any other: given that we have in front of us a new version of the Master Plan that substantially differs from the one on which the original DEIR was written, why was the EIR process not restarted from scratch, with fresh scoping? I21-2

Second process question: given that the proposed Faculty Housing northeast of the intersection of Slack and Grand was detached from the Master Plan and diverted into its own environmental review process, how are we to assess the cumulative impacts between the two projects? Given the total lack of notification of the campus community about the Master Plan RDEIR, I need, in fact, to ask: at what stage is the environmental review of this now-separate Slack and Grand project? Did scoping slip by us unnoticed? Did a Draft EIR's comment period slip by us unnoticed? If not, will notification be provided at the Cal Poly Master Plan website, or, if elsewhere, then where? Is the Slack and Grand project well enough understood that cumulative impacts with the Master Plan can be assessed? If so, the information needed for such an assessment must be in the re-revised RDEIR. If not, the Master Plan RDEIR needs to disclose this uncertainty and outline a plan for insuring that, to the extent that the Master Plan can't be responsible for mitigating cumulative impacts with an insufficiently characterized Slack and Grand project, the Slack and Grand project will bear that responsibility. I21-3

Third process question: given the lack of a credible plan for funding the massive capital expenses inherent in the Master Plan, and given the likely need to court people capable of very large donations, and given that such people generally have their own ideas about where they want their money to go, regardless of what any Master Plan might say, how will the unforeseen and cumulative impacts of any donor-driven changes to the Master Plan be assessed and mitigated? The William and Linda Frost Center for Research and Innovation received a Negative Declaration that occasioned very little notice on campus; apparently there was little outreach about I21-4

it. We need, in the re-revised Draft EIR, to see a credible plan for insuring that any future development NOT anticipated in the Master Plan receives WELL NOTICED environmental review and mitigation. I21-4 cont.

Fourth process question: given, as outlined in my third comment letter, that a project premised on mandating dorm residency by every student for two years is a significant barrier to attaining the stated goal of increasing campus diversity, the underlying Master Plan needs reworking to insure that students have less expensive options. Co-op houses have the virtue not only of vastly lower cost, but also of embodying the "learn by doing" philosophy far more effectively than dorms, so I advocate their robust inclusion in the Master Plan, as well as actual CHOICE for students, with many options provided on campus, but no penalty for exercising the choice to live off campus if this best meets the needs of a particular student. Since a new version of the Master Plan has already appeared since the original DEIR was written, does it not make sense to add further revisions, including those referenced here and elsewhere in my correspondence and brought to Cal Poly's attention by others, and then to restart the whole process, from scoping on up, based on this improved Master Plan? I understand the impatience of many to get moving on the project, but those looking back from the future years we are planning for will be grateful if we take the time to get it RIGHT. I21-5

Related issue: the lack of any exploration of where funding to operate the vastly expanded campus, and to pay for mitigation measures that require financial commitments, raises the prospect of truly extortionate dorm rents. I am not sure it is legal to use dorm rent for costs not directly associated with the services provided by the dorms, without a Prop 218 vote, since the increment that spilled over to address other operational needs on campus would technically be a tax rather than a fee. However, it is also unclear how a meaningful Prop 218 vote could be held among a population that shifts in and out of different residences year after year. I21-6

Since massive dorm construction is planned as one of the early elements of the Master Plan, the question of how much is truly necessary should be explored before the expensive buildings are built. If students were not compelled to live in them for two years, or even for one year, what would the demand be? It seems perverse to commit huge resources (and stage a fund-raising campaign) to erect buildings that would stand half-empty if people had a choice on whether to occupy them, and from students' point of view, raising funds whose main impact would be to deprive second year students of a choice of where to live is likely to convince students to discourage their families from contributing. As stated in my previous (third) comment letter, I do see the virtues in increasing the proportion of students who live on campus; the question should be: what range of options, including affordable options, would ATTRACT students? I21-7

In the previous (third) letter, I made the case for shifting Cal Poly agriculture and agriculture instruction in the direction of being more plant-based and regenerative, in order to add on-campus greenhouse mitigation and to better prepare students for the world they will be living in. During the life of this Master Plan, an increasing proportion of students will be able to expect to live into the 22nd Century, and if the human race is to survive without a precipitous population decline, it will have no choice but to shift its agriculture from the greenhouse gas emissive, soil depleting industrial model to a more plant-based and regenerative one. Cal Poly should be in the forefront of leading this change. One element of this could be a blending of agricultural and residential functions in some of the co-op houses, on the "eco-village" model. Cal Poly has the expertise on the faculties of relevant departments, and can draw on the creativity of students, to help design such alternatives. The pause needed for re-recirculation of this RDEIR can also be used to modify the Master Plan to incorporate these features. There may then not need to be as many new dorms. I21-8

Getting back to the subject of the timing of dorm construction, the current language tying completion of the proposed Water Reclamation Facility to occupancy of the new dorms needs to be revised to tie the letting of construction contracts for new on-campus residences to groundbreaking on the Water Reclamation Facility, so there is reason to believe the one will be completed in time to serve the others, sparing the campus community, and donors, the demoralizing sight of expensive buildings sitting completely empty, mothballed, for however long it might take to bring the Water Reclamation Facility online. I21-9

Again apologizing for the scattershot nature of these comments, a major issue relative to Cultural Resources is the apparent failure to consult with the Northern Chumash Council. Two tribes are mentioned as having been consulted with. One is completely appropriate and necessary: Yak Tityu Tityu Yak Tilhini. The other seems like a geographical stretch. The Desert Cahuilla of the Torres Martinez Reservation have a beautiful culture, but their area of heritage and responsibility is 300 miles from Cal Poly, in the Lower Coachella Valley near the Salton Sea. Why are they consulted and not the Northern Chumash Council? I21-10

On another issue, I do support a general reduction of turf where its use is primarily "ornamental" and suggest drought-adapted natives, and xeriscaping, to take its place. Turf worth keeping is that actively occupied on a regular basis by students: Dexter lawn in particular. I do support Dexter lawn's planned extension. One additional issue needs addressing there: the coast redwood tree near the center of Dexter Lawn stoically endures, but does not glow with the radiant health that make its species so iconic. It suffers from solitary confinement unnatural to its species. Coast redwoods' nature is to form GROVES, and this tree should be surrounded by young others of its species, who can then develop the interconnections and mycorrhizal networks that make for actual thriving. I21-11

Summing up what needs to be done before we have before us a re-revised Draft EIR worthy of moving on to the Final EIR stage after receiving public comment: I21-12

The Revised Master Plan, being in some ways different from the previous one, can advantageously be further revised to better align with stated goals such as increasing student diversity, for which truly affordable living options are needed, and to better prepare students for the world they will be living in, which for some, leads into the 22nd Century, a time when, if humanity is to thrive, such phenomena as industrial monoculture and confined animal facilities will be historic relics. Being a new plan, its environmental review can then be restarted in an orderly way, including scoping. To make mitigation measures credible, the new Master Plan needs an actual PLAN for funding both capital and operational needs, the latter in an ongoing way. I21-13 I21-14

The proposed Faculty Housing northeast of Slack and Grand should either be re-incorporated into the re-revised Master Plan, or the environmental review of both should be cross-referenced in such a way that cumulative impacts of the two projects can be reliably addressed. I21-15

A more complete inventory of greenhouse gas emissions sources, including from materials and products brought to, and used on, campus, can be performed, and lost drawdown from soil covered by new buildings can be incorporated as part of the total impact. Complete mitigation from on-campus features and practices should then be sought, with dependence on purchase of offset credits avoided if at all feasible. I21-16

Campus development must be tied sequentially to needed water coming online, and all sources that will be sought during the entire duration of the Master Plan need to be fully inventoried,,and the impacts on the sources drawn from, and of conveyance to campus, need to be revealed and mitigated to the extent feasible. Given clear evidence of the sought purchase of water from Morro Bay, the consequences of drawing on that source must be revealed and explored, along with comparable consequences relating to any other source being sought. I21-17

Full consultation with any applicable LOCAL tribes must be carried out. I21-18

The re-revised Draft EIR needs to reveal to the public whatever mechanisms of recourse the public will have available, throughout the lifetime of the Master Plan, to check on the performance of promised mitigation measures, and to enforce compliance therewith. I21-19

Thank you for the opportunity (however truncated) to comment! Eric Greening

Jeffrey K. Dumars

Letter
I22

From: Mona Tucker <olivas.mona@gmail.com>
Sent: Sunday, February 2, 2020 5:40 PM
To: Environmental Planning
Subject: Cal Poly 2035 Master Plan Draft EIR

February 02, 2020

Jeffrey Dumars

Associate Director of Environmental & Space Planning

Facilities Management and Development

Cal Poly

1 Grand Avenue, San Luis Obispo, CA 93407

environmentalplanning@calpoly.edu

Hello Mr. Dumars:

I have reviewed the section 3.4 Archaeological, Historical and Tribal Cultural Resources.

3.4 provides limited examples prehistoric physical formal and informal artifacts: In addition to the items mentioned, it would be appropriate to mention: items made from various stone, various shell and various animal bone. There is of course a very long list of items that could be included but an archaeologist trained in Northern Chumash cultural materials and a Northern Chumash Native American Monitor will know the numerous possibilities by site. I22-1

3.4.2 Environmental Setting REGIONAL PREHISTORY:

The statement that our homeland territory was approximately north to Point Estero isn't accurate. The Northern Chumash homeland would be as far north as approximately Ragged Point. I22-2

3.4.2 Environmental Setting REGIONAL PREHISTORY

Ethnography:

This section states that the Northern Chumash were bordered on the north by the Salinan Playano. I'm concerned that the mysterious Playano people are being misrepresented as a Salinan group. I would like to see the research that states there was Salinan-Playano group of indigenous people as Playano isn't the same as Salinan. I22-3

Mitigation in general:

Much is said about mitigation measures but avoidance should always be the first consideration in any mitigation discussion. There are construction designs that may be able to eliminate the typical trenched footing for a building as the "mat slap" type of foundation is no longer uncommon. Trenching can sometimes be more narrow and sometimes trenching can be eliminated with "boring." But, boring has to be carefully designed as in order for it to protect cultural soil, it has to be a depth that is below cultural material. I22-4

I appreciate that you will be training Cal Poly personnel and all contractors on how to recognize evidence of prehistoric places and people. I recommend that you acquire a collection of formal and informal replica artifacts plus an example of midden type soil for personnel to see and handle first hand. I further recommend that a brief history the indigenous people of San Luis Obispo County and region be included in this cultural sensitivity training. I22-5

Thank you,
Mona Olivas Tucker, Chair
yak titʸu titʸu yak tiłhini – Northern Chumash Tribe
San Luis Obispo County and Region

Reply Forward

Jeffrey K. Dumars

Letter
I23

From: Brian Clark <bclark20@calpoly.edu>
Sent: Monday, February 3, 2020 9:49 AM
To: Environmental Planning
Subject: Public comment to the 2035 Master Plan recirculated DEIR
Attachments: CommentLetter2035MasterPlanDEIR_update_edited.pdf

Dear Mr. Dumars and team,

Attached is a pdf of my comment to the DEIR. I23-1

Sincerely,
Brian Clark

Dear Mr. Jeffrey Dumars and team,

I am a proud member of the Cal Poly community. I feel privileged to be surrounded by such brilliant and devoted staff and students in the Natural Resources and Environmental Sciences Department, who have collectively contributed to a movement of diverse information and approaches to problem solving that has shaped the scientist I am today.

As students in the B.S. Environmental Management and Protection major, we are expected to critique and improve the legitimacy of environmental documents under CEQA. However, the classroom expectations placed upon us-to dive into environmental review documents, in my experience, have always been absolved from real-world application upon the deliverance of an academic grade.

I write to you as a graduate of Environmental Management as a student in the M.S. Agriculture Specialization in Soil Science Program to express my concern regarding the paucity of accounting for soil greenhouse gas emission in the Cal Poly 2035 Master Plan recirculated Draft Environmental Impact Report (DEIR).

In the 1800-page recirculated DEIR, I keyword searched "sequestration" and it only occurred once[1], on page 3.8-9, under the local regulatory setting section, in a policy measure within the Air Quality Goal Number 4 of the County of San Luis Obispo. I23-1 cont.

This alarms me. Given, the potential of soils to minimize impacts from human greenhouse-gas emissions with carbon drawdown[2], I see <u>two major failures</u> in this document:

1) There is no mention in this document of the impact that will incur given the amount of land in the development footprint that hosts "undisturbed soil" that will be type-converted into impervious-covered soil or removed entirely during excavation (as in the case of a bedrock foundations). This sort of disturbance (pavement or excavation) should certainly qualify as an impact to greenhouse gas emissions due to the disruption of the physical soil structure and living microbial communities that work together to retain carbon belowground.

   I've attached a research article that compared carbon and nitrogen pools in soils beneath impervious surfaces and open-air soils in New York[3]. The authors found depleted soil carbon stocks and microbial activity in the impervious-coated soil as compared to the control. Any soil carbon loss with conversion to impervious soils should be included in the Cal Poly DEIR.

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[1] Facilities Management & Development-Cal Poly. 2019. Draft Environmental Impact Report for the 2035 Master Plan: 1–1879. https://afd.calpoly.edu/facilities/planning-capital-projects/ceqa/master-plan/ (accessed 29 January 2020).

[2] Lal, R. 2004. Soil carbon sequestration impacts on global climate change and food security. Science 304(5677): 1623–1627. doi: 10.1126/science.1097396.

[3] Raciti, S.M., L.R. Hutyra, and A.C. Finzi. 2012. Depleted soil carbon and nitrogen pools beneath impervious surfaces. Environ. Pollut. 164: 248–251. doi: 10.1016/j.envpol.2012.01.046.

These calculations are the type of assignment undergraduate soil science students are expected to complete in 400-level related coursework. I find it disheartening that such a calculation wasn't even considered given the amount of in-house energy that is already practicing such problem solving.

I want to highlight two project objectives listed in the recirculated DEIR(page 2-21):

> Objective 2 of 11: Enhance academic quality and student success through Cal Poly's "Learn by Doing" teaching methodology through the provision of physical facilities that allow students to take a hands-on approach and conduct project- based learning.
>
> Objective 9 of 21: Advance campus-wide environmental sustainability and make progress toward goals of carbon neutrality and climate resilience.

While impacts to "soil carbon" are not included under the CEQA Appendix G Checklist[4] for Geology and Soils, under the Greenhouse Gas Emissions section, the checklist asks, would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

I23-1 cont.

I believe the analysis in the recirculated DEIR fails to it fails to investigate the role of the soil ecosystem, that otherwise would not be disturbed, to draw down greenhouse gases from the atmosphere.

While in my experience, the interconnectedness of soils and greenhouse gas emissions are not extensively discussed in CEQA review documents, I am astonished that Cal Poly failed to rise above the status quo to consider such project impacts and or propose restorative soil mitigation measures to offset greenhouse gas emissions in the recirculated DEIR. This is especially surprising, given Cal Poly's institutionalized commitment[1] to sustainable development (objective 9 above), and given its well-regarded aptitude and recognition for a hands-on learning approach (objective 2 above).

Pursuant to Section 15064 (b) (1), CEAQ Guidelines[4] say that the role of the lead agency in determining whether or not a project will have a significant impact "calls for careful judgment on part of the public agency involved, based to the extent possible on scientific and factual data". I am not convinced that there has been a "careful" analysis "to the extent possible" on the depth of the impact associated with greenhouse gas emissions. There is no mention of why investigating the amount of soil disturbed as it pertains to displacement of carbon from the soil into the atmosphere is not feasible.

2) "Learn by doing" has been the bread-and-butter phrase associated with Cal Poly's academic philosophy. Fortunately, when swaths of land are proposed to get bulldozed on and developed over, the University setting provides an excellent opportunity for students to

I23-2

[4] Association of Environmental Professionals. 2019. Statutes and Guidelines of the California Environmental Quality Act.

"learn" about on site mitigation-whether the learning be for themselves, or for a greater audience in the interest of publishing research.

The definition of "mitigation" includes actions that do the following to an identified impact[4]:

i. Avoid
ii. Minimize
iii. Rectify
iv. Reduce
v. Compensate

In a 1990 memorandum[5], the U.S. Department of the Army and Environmental Protection Agency decided that the hierarchy of preferred mitigation is such that: avoidance is prioritized above minimization, and minimization is prioritized above compensation. Furthermore, the document states, "if on-site compensatory mitigation is not practicable, off-site compensatory mitigation should be undertaken in the same geographic area if practicable (i.e., in close proximity and, to the extent possible, the same watershed)". I23-2 cont.

Under the mitigation section of the Greenhouse Gas Emissions chapter of the DEIR, I do not see an attempt to "rectify" any carbon emissions associated with the project. First there is "Mitigation Measure 3.8-1: Implement On-Site GHG Reduction Measures"[1], which will serve to "reduce" long-term operational impacts from the additional annual greenhouse gas emissions that exceed baseline conditions. I support this mitigation and agree that this is a good way to go about building sustainable structures.

Then there is "Mitigation Measure 3.8-2: Purchase GHG Offsets"[1], which to me, seems vague and difficult to ensure fulfillment. This measure is encased with non-committal language such as, "Cal Poly may choose to mitigate additional GHG emissions through the purchase of carbon credits available through any one of the following verifiable entities/registries…".

I interpret this as deferred mitigation, and I believe it to be legally inadequate under CEQA due to its infeasibility and lack of performance standards. In regards to mitigation performance standards, Sections 15126.4(c) and 15097[4], state that the lead agency is "subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions", and the discussion section lacks any such details of how that will occur. Additionally, infeasible mitigation has been ruled inadequate in the courts, e.g. Sundstorm v. County of Mendocino (1988) 202 Cal. App. 3d 296. The CEQA guidelines define "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors"[4]. I23-3

Where is the budgeting for Mitigation Measure 3.8-2? Why was the amount of time to compensate the additional efflux of operational greenhouse gases capped at 25 years? I can understand that the total construction emissions were divided up over 25 years to be 833 carbon dioxide equivalent (MTCO2e) per year, but the operational emissions of the project will remain in perpetuity until the building is demolished or renovated. How will this post 25-year annual operational impact of 7,243 MTCO2e/year be mitigated? This number was

[5] U.S. Department of the Army and the U.S. Environmental Protection Agency. 1990. Memorandum of Agreement concerning "Mitigation" under the Clean Water Act Section 404 (b)(1).

calculated using, 12,331 MTCO2e/year (total annual emissions associated with the project, for the first 25 years, taking into account Mitigation Measure 3.8-1), minus 833 MTCO2e/year (construction associated emissions amortized over 25 years), minus 4,255 MTCO2e/year (the mass emission threshold), to generate a total of 7,243 MTCO2e/year from non-construction associated impacts that were not included in the mitigation discussion for the post-25 year era.

Further, the proposed mitigation measure under-estimated the true price of a metric ton of carbon dioxide equivalent. The price of MTCO2e in CA is $15 per ton[6], yet the DEIR claims it is $0.85 to $8.5 per ton. At $15 a ton for a total of 201,900 MTCO2e emitted over 25 years (only), the cost is over $3 million purchased toward carbon offsets. Without any mention of where this cost is going to be paid from, I argue this mitigation is infeasible and non-defendable under CEQA. Additionally, if off-site compensation is to be used, more funds need to be allocated for the post 25-year operational impacts that are missing in the analysis.

I23-3 cont.

As described by the U.S. Department of the Army and Environmental Protection Agency[5], I recommend that the University follow the hierarchy of preferred mitigation (described above) and take a more local approach, instead of paying over $3 million to an offset fund that loses community intimacy quickly after the transaction.

As a testimony, in my shared laboratory room on campus in Building 180, there are several grant-funded projects investigating soil carbon and soil greenhouse gas emissions. If I had to bet, the interest pool in this topic is not going to whither, and there will continue to be more faculty-initiated grants that aim to study land management and its impact on soil carbon dynamics, mostly because of its connection to greenhouse gas mitigation and global climate[27].

I23-4

I argue that deferring mitigations for greenhouse gas emissions to an off-site compensation fund is a disservice to the local soil ecosystem and the greenhouse gas regulation services it provides, and to the classes of students that will continue to move through the Cal Poly university system, the same future students that bring us together over this document today.

Cal Poly owns 9,000 acres of rangeland (some of which is considered farmland). There is a growing body of scientific literature that has provided an array of rangeland management techniques and agricultural strategies to maximize soil C pools such as: regenerative grazing, compost application into wildlands and farmlands, no-till farming, cover cropping, and the list goes on[27][8]. I suggest contacting campus dining to consider a share in using the

I23-5

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[6] Larsen, John. 2018. The Footprint of US Carbon Pricing Plans. Rhodium Group. https://rhg.com/research/the-footprint-of-us-carbon-pricing-plans/

[7] Lal, R. 2004. Soil carbon sequestration to mitigate climate change. Geoderma 123: 1–22. doi: 10.1016/j.geoderma.2004.01.032.

[8] DeLonge, M.S., R. Ryals, and W.L. Silver. 2013. A Lifecycle Model to Evaluate Carbon Sequestration Potential and Greenhouse Gas Dynamics of Managed Grasslands. Ecosystems 16(6): 962–979. doi: 10.1007/s10021-013-9660-5.

abundant food waste that is already being generated on campus to achieve a more collaborative and cost-effective mitigation approach to any impacts from greenhouse gas emissions.

In addition to the University owned land in San Luis Obispo Co., the forests, grasslands, and farmlands of Swanton Pacific Ranch would be an excellent site to consider implementing soil carbon mitigation strategies.

Here are two excerpts from Section 15126.4 of the CEQA Guidelines:

> (a) "The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency, or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts"
>
> (b) "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified"

Why is it that reduced-emission project design features and off-site offset measures are included in the mitigation discussion, but any measures to "sequester greenhouse gases", Section 15126.4 (c) (4), are completely left out of the discussion? I believe this document fails to provide an adequate discussion of greenhouse gas mitigation and fails to explore options (e.g. working with faculty, staff and students to sequester soil C) that would foreseeably be more feasible than the ones identified (e.g. more than $3 million to a compensation fund). I23-5 cont.

Another concern I have is not related to the analysis itself, rather the way in which the public comment period for the analysis was not made easily-accessible to the campus community. In a University that has a published vision statement of "building a diverse and inclusive campus community to prepare students for the future" [9], the nature of the comment period-being that the first 3 of 6 weeks for public comment occurred during a campus holiday, and being that there was no encouragement for staff, faculty, and student involvement- seemed contradictory to the above statement. Had it not been for a friend who is extremely devoted to public engagement in environmental affairs, I would have been completely unaware of this opportunity to voice my criticism of the environmental analysis. I23-6

In light of the gaps I have identified in accounting for the true cost of soil loss with the proposed plan, I request: 1) an extension and campus-wide announcement of the public comment period so that others can voice their opinion and 2) a supplemental EIR on the basis that "significant impacts previously examined will be substantially more severe than shown in the previous EIR" and "mitigation measures considerably different from those analyzed in the previous document would substantially reduce one or more significant effects" in regards to the Greenhouse Gas Emissions section, pursuant to CEQA Guidelines Section 15162 (3). I23-7 I23-8

[9] California Polytechnic University of San Luis Obispo. University Statements on Diversity and Inclusion. https://diversity.calpoly.edu/university-statements-on-diversity-and-inclusion/ (accessed 29 January 2020).

To clarify, I am not advocating for an addendum to the current recirculated DEIR as this will eliminate opportunities for future public collaboration on these issues. Given the expressed interest of the university to be inclusive and promote sustainable development[19], an effort to remove public participation would be a rash contradiction.

I23-8 cont.

In summary, while at Cal Poly, I have been encouraged to view ecosystems in terms of their ecosystem services. When it comes to the soil ecosystems, many services are provided, sequestration of carbon being one of them, another one of them being the physical foundation for the construction of a learning facility. I believe this analysis misses the mark, in its failure to investigate and to not even mention the impact that would incur on said soil ecosystem service if the projects associated with the 2035 Master Plan are to be implemented.

I23-9

Thank you for your time.

Sincerely,
Brian Charles Clark
M.S. Agriculture Specialization in Soil Science

February 3rd, 2020

Jeffrey K. Dumars

Letter
I24

From: Austin Gandler <austin.gandler@gmail.com>
Sent: Monday, February 3, 2020 4:57 PM
To: Environmental Planning
Subject: Public Comments: 2035 Master Plan EIR

Hello Mr. Dumars and affiliates,

My name is Austin Gandler, 5th year biochemistry major at Cal Poly and I am writing to comment on the revised EIR for the Cal Poly Master Plan and ask for an extension on the comment period as there has been no informing of the student body of the timeframe or updates in general. I, having a Cal Poly email in addition to this one, did not even receive a letter of notification on the comment period, updated EIR, open forums... nothing. I24-1

I have a strong disagreement with the herding of people-- students, faculty, and now retirees-- into the confines of Cal Poly's campus, a place of historically volatile nature (i.e. SWAT teams for the Milo talk, free speech hate wall, on campus Ag frat with confederate flag and "no N*****s" sign, blackface just bordering campus, countless dorm room sexual assaults (just in my time at Poly!!)). You may be able to force students (who can afford it) to live in this environment in order to obtain a degree from our prestigious state school, but how many faculty and retirees do you expect to take up the offer, knowing Cal Poly's historical dissociation from SLO, the harmful events that have occurred in its borders, as well as their move not allowing them the right to vote in city elections-- as Cal Poly is an unincorporated area. I understand that student enrollment is expected to increase by ~5000 and number of beds expected to increase by 7000 by 2035, but even the predicted cases of Cal Poly-- I24-2

>City of SLO wastewater flow are quite unsure. Either the predictions at the end of Table 1: Summary of Average Annual Wastewater Flows
(GPD) of the Wastewater Analysis Appendix are all going to be the worst case scenario (is it worth it? has there been communication with the city about these numbers?)or there is an apparent case false representation of information. An additional 7000 poopers on campus should be enough to I24-3

dive in to the likely and worst case scenarios more accurately and I encourage both another wastewater analysis by another company other than Watearth and more open communication with the city before taking the liberty to pass your own plan with the same people that wrote it. If there is another comment period after (hopefully) these revisions take place, PLEASE NOTIFY THE STUDENTS, PLEASE ALLOW ADEQUATE TIME (i.e. not start the period when students are separated from each other during breaks so half the comment period people are unsure even where/when the information was published) for response, and PLEASE hold and advertise info sessions so that the student body and administration may work together to make the future of Cal Poly welcoming and responsible. Thank you for the opportunity to comment.

I24-3 cont.

I24-4

Godspeed,

Austin Gandler
Cal Poly Biochemistry
Baker-Koob Grant Awardee
Frost Summer Researcher
Past Music Production Union President
KCPR Lead Audio Engineer