

SLO Airport Hotel Response to Comments

California Department of Toxic Substances Control (DTSC) – April 29, 2021	
Comment	Response
Undiscovered contaminants of concern, resulting from military or other aeronautical operations, may remain in the Airport's subsurface. DTSC recommends that additional investigation be conducted prior to any development to evaluate if releases occurred and contamination exists within the project area and surrounding areas.	The Initial Study acknowledges the potential for historic, current, and future activities on and near the project site to release hazardous substances on the project site. Mitigation Measures AQ-3 and AQ-4 have been identified to require the applicant to complete a geologic evaluation and follow all applicable protocol and procedures if naturally occurring asbestos or other hazardous materials are determined to be present on-site. The applicant is also required to comply with SLOAPCD regulations related to materials containing asbestos (Mitigation Measure AQ-5). Based on required compliance with state and local regulations regarding construction activities and a search of the Cortese list, no other potentially significant impacts from release of hazardous substances were identified (refer to Section 9, Hazards and Hazardous Materials, Impact Discussion d).
San Luis Obispo County Air Pollution Control District (SLOAPCD) – May 24, 2021	
The APCD supports the project proponents on their use of infill development, as it is consistent with SLOCOG's Regional Transportation Plan and Sustainable Communities Strategy.	No revisions to the Initial Study are required in response to this comment.
Portable Equipment, 50 horsepower (hp) or greater, used during construction activities may require a California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.	The project would be required to obtain all necessary permits from the SLOAPCD prior to construction. No revisions to the Initial Study are required in response to this comment.
The APCD recommends updating Question b in Section 3, Air Quality, to reflect the analysis used in the Emissions Modeling Report for the San Luis Obispo Airport Hotels Project, prepared by AMBIENT Air Quality & Noise Consulting in January 2021 (Attachment 2 of the project's Initial Study) as this report used CalEEMod to calculate construction emissions.	Impact Discussion b in Section 3, Air Quality, in the Initial Study has been revised to reflect the analysis used in the Emissions Modeling Report for the San Luis Obispo Airport Hotels Project, prepared by AMBIENT Air Quality & Noise Consulting in January 2021 (Attachment 2 of the Initial Study).

<p>Based on the analysis in Attachment 2, construction impacts would be below APCD thresholds with the assumption that Tier 3 off-road construction equipment would be used. Because of this assumption, the APCD recommends including a mitigation measure that states all off-road construction equipment shall be tier 3 or higher to be consistent with Attachment 2 modeling assumptions and ensure emissions are below APCD thresholds.</p>	<p>Mitigation Measure AQ-2 in Section 3, Air Quality, in the Initial Study has been revised to include an additional measure that requires all off-road construction equipment to be Tier 3 or higher.</p>
<p>On page 26 of the Initial Study, operational impacts for this project were evaluated using "SLOAPCD's operational screening criteria for air quality analyses" and the "project would not exceed the identified operational thresholds established by the SLOAPCD." According to Table 1-1 in the APCD's 2012 CEQA Handbook, this project would exceed the ROG+NOx 25lbs/day operational threshold as this project would exceed 177 rooms. Based on Table 1-1, this project would require mitigation. However, further analysis used in the Emissions Modeling Report for the San Luis Obispo Airport Hotels Project, prepared by AMBIENT Air Quality & Noise Consulting in January 2021 (Attachment 2) conclude the project would below APCD operational thresholds. The APCD recommends updating this section to reflect the analysis used in Attachment 2 as this report used CalEEMod to calculate operational emissions which is a more refined analysis than Table 1-1.</p>	<p>Impact Discussion b in Section 3, Air Quality, in the Initial Study has been revised to reflect the analysis used in the Emissions Modeling Report for the San Luis Obispo Airport Hotels Project, prepared by AMBIENT Air Quality & Noise Consulting in January 2021 (Attachment 2 of the Initial Study).</p>
<p>The Emissions Modeling Report for the San Luis Obispo Airport Hotels Project quantified the GHG emissions for the project in 2023 and 2030 and compared the GHG impacts to the service population threshold in the City of San Luis Obispo's qualified Climate Action Plan. Mitigation measure GHG-1 provides a mechanism for the project to address lifetime GHG impacts in excess of the service population threshold. The APCD recognizes a service population threshold may not be the most applicable threshold choice for projects like hotels that have relatively low numbers of employees relative to project GHG emissions. After GHG reductions are quantified from on-site and other potential mitigation measures, the APCD recommends quantifying annual impacts over the life of the project to also account for reduction in project impacts due to future emission reduction technology that is included in CalEEMod, the emission modelling tool used by AMBIENT Air Quality & Noise Consulting.</p>	<p>Mitigation Measure GHG-1 in Section 8, Greenhouse Gas Emissions, in the Initial Study has been revised to require annual impacts to be quantified over the life of the project to also account for reduction in project impacts due to future emission reduction technology that is included in the CalEEMod.</p>

The guidance in the APCD's Interim CEQA GHG document should be used to compare the project to existing applicable plans, policies, or regulations that have been legally adopted for the purpose of reducing GHG emissions. In addition to comparing the project to the City of San Luis Obispo's Climate Action Plan, the APCD recommends comparing the project to the:

- San Luis Obispo Council of Governments Regional Transportation Plan/Sustainable Community Strategies (RTP/SCS): Project proponents should work with SLOCOG early in the project development process to foster consistency with the land use and transportation policies, goals, action strategies, and preferred growth scenario identified in the current RTP/SCS; and
- Demonstrate project consistency with the 2017 Scoping Plan; all applicable components within the 2017 Scoping Plan should be evaluated for consistency. One such component is transportation:
 - In the GHG section of the project's CEQA evaluation, a project can demonstrate it is consistent with the transportation GHG reduction assumptions in the 2017 Scoping Plan if it can show 15% VMT reduction.
 - Projects which cannot achieve 15% VMT reduction need to demonstrate how they will achieve equivalent GHG reductions by implementing design changes or other offsetting GHG mitigation to comply with the 2017 Scoping Plan.
 - Note: SB 743 recommends a project achieve 15% VMT reduction and is evaluated in the transportation section of a project's CEQA evaluation. The difference between SB 743 and the 2017 Scoping Plan is SB 743 recommendation can only be met by VMT reductions, whereas the 2017 Scoping Plan consistency can be achieved with VMT reductions, whereas the 2017 Scoping Plan consistency can be achieved with VMT reductions and design changes or

Impact Discussion b in Section 8, Greenhouse Gas Emissions, in the Initial Study has been revised to include additional discussion of the project's consistency with the RTP/SCS and 2017 Scoping Plan and incorporates additional VMT discussion and reference to Mitigation Measures TR-1 and TR-2.

<p>other offsetting GHG mitigation equivalent to 15% VMT reduction.</p>	
<p>California Department of Fish and Wildlife (CDFW) – May 24, 2021</p>	
<p>The Project site contains habitat suitable to support special-status plant species meeting the definition of rare or endangered under CEQA Guidelines Section 15380 including, but not limited to, CRPR 1B.1 Hoover's button-celery (<i>Eryngium aristulatum</i> var. <i>hooveri</i>), and the State designated rare and CRPR 1B.1 Adobe sanicle (<i>Sanicula maritima</i>). Although there was a preliminary field study done on October 3rd, 2019 that did not find any rare plants, that study was outside of the blooming period where the plants could have been identified.</p> <p>To evaluate potential impacts to special-status plant species associated with the Project, CDFW recommends conducting the following evaluation of the Project area, editing the MND to include the following additional measures, and including the following mitigation measures as conditions of approval.</p> <p>Recommended Mitigation Measure 1: Special-Status Plant Surveys</p> <p>If suitable habitat is present, CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.</p> <p>Recommended Mitigation Measure 2: Special-Status Plant Avoidance</p> <p>CDFW recommends that special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization</p>	<p>As discussed in Impact Discussion a, b in Section 4, Biological Resources, in the Initial Study, low-suitability habitat is present within the drainage and associated wetland habitat on-site for Congdon's tarplant, Hoover's button-celery, and adobe sanicle. If present, Congdon's tarplant would have been detectable at the time of surveys completed for the project site; therefore, the species is not expected to occur on-site. Though considered unlikely due to degraded site conditions, Hoover's button-celery and adobe sanicle may be present within the ephemeral drainage and associated wetland habitat located in the southwestern portion of the project site.</p> <p>The project would avoid impacts to the ephemeral drainage and associated wetland habitat present within the project site through project design and the identified setback of 35 feet from State jurisdictional features; therefore, all habitat suitable for special-status plants within the project site would be avoided. Implementation of Mitigation Measure BIO-2 would further ensure direct and indirect impacts to hydrological resources and habitat suitable for special-status plant species are avoided by requiring mapping and delineation of work areas and implementation of Best Management Practices (BMPs).</p>

<p>and mitigation measures for impacts to special-status plant species.</p> <p>Recommended Mitigation Measure 3: State-listed Plant Take Authorization</p> <p>If a plant species listed pursuant to CESA or State designated as rare 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 subdivision (b) for State listed threatened or endangered plants or pursuant to the Native Plant Protection Act and Fish and Game Code section 1900 et seq. for State designated rare plants.</p>	
<p>The Project contains activities that may result in the Project site being subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 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; 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, such as the unnamed stream within the Project site, as well as those that are perennial in nature.</p> <p>For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593. It is important to note, CDFW is required to comply with CEQA, as a Responsible Agency, when issuing a Lake or Streambed Alteration Agreement (LSAA). If inadequate, or no environmental review, has occurred, for the Project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSAA until CEQA analysis for the project is complete. This may lead to considerable Project delays.</p>	<p>As discussed in Impact Discussion a, b in Section 4, Biological Resources, in the Initial Study, the project would avoid impacts to the ephemeral drainage and associated wetland habitat present within the project site through project design and the identified setback of 35 feet from State jurisdictional features; therefore, no impacts to the ephemeral drainage within the project site would occur. Implementation of Mitigation Measure BIO-2 would further ensure direct and indirect impacts to hydrological resources are avoided by requiring mapping and delineation of work areas and implementation of Best Management Practices (BMPs).</p>
<p>CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental</p>	<p>No revisions to the Initial Study are required in response to this comment.</p>

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 (CNDDDB).	
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary.	No revisions to the Initial Study are required in response to this comment.
San Luis Obispo Council of Governments (SLOCOG) – May 24, 2021	
SLOCOG encourages the City and County to coordinate with regard to the in-progress ICE Step 2 Analysis for the SR 227 intersection at Farmhouse Lane and incorporate the final build alternative into City planning documents. The intersection operational improvement should incorporate safe pedestrian and bicycle crossings that allow access from the bi-directional Class I shared use path on the west side of SR 227 to the northbound Class IV bike lanes on the east side of SR 227. SLOCOG recommends that impacts from this project to the SR 227 corridor are considered. An appropriate payment toward the City's TIF to construct the operational improvement at Buckley Road/SR 227 and the segment of the Edna-Price Canyon Trail between Buckley Road and Farmhouse Lane should also be considered.	As discussed in Impact Discussion a in Section 17, Transportation, in the Initial Study, the project would require the payment of the City's standard Traffic Impact Fees. No revisions to the Initial Study are required in response to this comment.



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

April 29, 2021

Ms. Shawna Scott
Senior Planner
City of San Luis Obispo
Community Development Department
919 Palm Street
San Luis Obispo, CA 93401
SScott@slocity.org

MITIGATED NEGATIVE DECLARATION FOR SLO AIRPORT HOTEL PROJECT –
DATED APRIL 2021 (STATE CLEARINGHOUSE NUMBER: 2021040586)

Ms. Scott:

The Department of Toxic Substances Control (DTSC) received an Initial Study for SLO Airport Hotel Project (Project). The Lead Agency is receiving this notice from DTSC because of the Project's proximity to the San Luis Obispo County Airport (Airport). Use of 218 acres of the Airport by the U.S. Army Air Corps and the California National Guard was initiated in November 1938. On January 4, 1943, the Navy leased 208 acres of the Airport from the County of San Luis Obispo. The use of the Airport property by the Army Air Corps and the National Guard continued until at least November 1941. In May 1946, the Navy abandoned the airport facilities, leaving all improvements to the County of San Luis Obispo. Disposal records were neither complete nor specific. The site has not yet been investigated for environmental concerns. Use of the Airport by the County of San Luis Obispo has continued to the present.

(https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=80000759).

Undiscovered contaminants of concern, resulting from military or other aeronautical operations, may remain in the Airport's subsurface. DTSC recommends that additional investigation be conducted prior to any development to evaluate if releases occurred and contamination exists within the Project area and surrounding areas.

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/>.

Ms. Shawna Scott
April 29, 2021
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If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink, reading "Gavin McCreary".

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
Site Evaluation and Remediation Unit
Department of Toxic Substances Control
Lora.Jameson@dtsc.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov



Air Pollution Control District
San Luis Obispo County

VIA EMAIL

May 24, 2021

Shawna Scott
City of San Luis Obispo
919 Palm Street
San Luis Obispo, CA 93401
sscott@slocity.org

SUBJECT: APCD Comments Regarding the SLO Airport Hotel Project (0650-202)

Dear Shawna Scott:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 950 & 990 Aero Drive in San Luis Obispo. The proposed project includes a 125,000-square foot, 204-room three-story hotel on a 5.04-acre site. The property is currently zoned Business Park, within the Airport Area Specific Plan, and within the Airport Land Use Planning Area zones 4 and 5. Project construction would require 4.33 acres of site disturbance and approximately 10,000 cubic yards (cy) of cut and 8,900 cy of fill. The area is less than 1,000 feet from sensitive receptors and is within a naturally occurring asbestos area.

The following comments are formatted into 3 sections. The **(1) General Comment** Section states information pertinent to the applicant, lead agency, and/or public. The **(2) Air Quality** and **(3) Greenhouse Gas Emissions** Sections may state mitigation measures and/or rules and requirements in which the APCD recommends be set as conditions of approval for the project.

The **applicant** or **agent** should contact the APCD Engineering & Compliance Division about permitting requirements stated in the (1) General Comment Section. The **lead agency** may contact the APCD Planning Division for questions and comments related to proposed conditions of approval in the (2) Air Quality and (3) Greenhouse Gas Emission Sections. Both Divisions can be reached at (805) 781-5912.

Please Note: The APCD recently updated the [Land Use and CEQA Webpage](https://www.slocleanair.org/land-use-and-ceqa-webpage) on the [slocleanair.org](https://www.slocleanair.org) website. The information on the webpage displays the most up-to-date guidance from the SLO County APCD, including the [2021 Interim CEQA Greenhouse Gas Guidance](#), [Quick Guide for Construction Mitigation Measures](#) and [Quick Guide for Operational Mitigation Measures](#).

(1) General Comments

Infill within Urban Reserve Lines & Village Reserve Lines

The APCD encourages balance of residential and commercial infill within the existing urban reserve lines (URLs) and village reserve lines (VRLs), as this is consistent with the land use goals and policies of the APCD's Clean Air Plan. Increasing density can reduce emissions and vehicle miles traveled (VMT) by minimizing the number of trips and travel distances and encourage active transportation. The APCD supports the project proponents on their use of infill development, as it is consistent with SLOCOG's Regional Transportation Plan and Sustainable Communities Strategy.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require a California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive:

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generators; and
- Internal combustion engines.

For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's [CEQA Air Quality Handbook](#) (April 2012).

(2) Air Quality

Comments about Question b in Section 3. Air Quality of Initial Study. Construction Impacts

On page 25 and 26 of the Initial Study, construction impacts for this project were evaluated using Table 2-2 in the APCD's 2012 CEQA Handbook. In 2021, the APCD updated their [Land Use and CEQA Webpage](#) and concluded the best way to calculate construction impacts, after using Table 1-1, is through the use of the most up-to-date version of CalEEMod. **The APCD recommends updating this section to reflect the analysis used in the Emissions Modeling Report for the San Luis Obispo Airport Hotels Project, prepared by AMBIENT Air Quality & Noise Consulting in January 2021 (Attachment 2 of the project's Initial Study) as this report used CalEEMod to calculate construction emissions.**

Based on the analysis in Attachment 2, construction impacts would be below APCD thresholds *with the assumption that Tier 3 off-road construction equipment would be used*. **Because of this assumption, the APCD recommends including a mitigation measure that states all off-road construction equipment shall be tier 3 or higher to be consistent with the Attachment 2 modeling assumptions and ensure emissions are below APCD thresholds.** In addition, to manage fugitive dust emissions, the APCD supports mitigation measure AQ-2 and the APCD supports mitigation measures AQ 1,3,4, and 5 to meet state and federal requirements for this project.

Comments about Question b in Section 3. Air Quality of Initial Study. Operational Impacts

On page 26 of the Initial Study, operational impacts for this project were evaluated using "SLOAPCD's operational screening criteria for air quality analyses" and the "project would not exceed the

identified operational thresholds established by the SLOAPCD". According to Table 1-1 in the APCD's 2012 CEQA Handbook, this project would exceed the ROG+NOx 25lbs/day operational threshold as this project would exceed 177 rooms. Based on Table 1-1, this project would require mitigation. However, further analysis used in the *Emissions Modeling Report for the San Luis Obispo Airport Hotels Project*, prepared by AMBIENT Air Quality & Noise Consulting in January 2021 (Attachment 2) conclude the project would be below APCD operational thresholds. **The APCD recommends updating this section to reflect the analysis used in Attachment 2 as this report used CalEEMod to calculate operational emissions which is a more refined analysis than Table 1-1.**

(3) Greenhouse Gas Emissions

Comments about Question a in Section 8. GHG Emissions of Initial Study

The *Emissions Modeling Report for the San Luis Obispo Airport Hotels Project* quantified the GHG emissions for the project in 2023 and 2030 and compared the GHG impacts to the service population threshold in the City of San Luis Obispo's qualified Climate Action Plan. Mitigation measure GHG-1 provides a mechanism for the project to address lifetime GHG impacts in excess of the service population threshold. The APCD recognizes a service population threshold may not be the most applicable threshold choice for projects like hotels that have relatively low numbers of employees relative to project GHG emissions. After GHG reductions are quantified from on-site and other potential mitigation measures, the APCD recommends quantifying annual impacts over the life of the project to also account for reduction in project impacts due to future emission reduction technology that is included in CalEEMod, the emission modeling tool used by AMBIENT Air Quality & Noise Consulting.

The APCD developed the [2021 Interim CEQA Greenhouse Gas Guidance](#) document to provide administrative clarification on the SLO County APCD Handbook's thresholds of significance for GHG emissions and to provide information on current trends, best practices, and legislation. This document includes a hierarchy of GHG mitigation measures the project can consider addressing its excess impacts. If additional GHG emission calculations are to be accomplished, the project may consider using the near-term release of the updated CalEEMod model, using current and future GHG intensity factors from 3CE.

Comments about Question b in Section 8. GHG Emissions of Initial Study

The guidance in the APCD's Interim CEQA GHG document should be used to compare the project to existing applicable plans, policies, or regulations that have been legally adopted for the purpose of reducing GHG emissions. In addition to comparing the project to the City of San Luis Obispo's Climate Action Plan, the APCD recommends comparing the project to the:

- San Luis Obispo Council of Governments Regional Transportation Plan/Sustainable Community Strategies (RTP/SCS): Project proponents should work with SLOCOG early in the project development process to foster consistency with the land use and transportation policies, goals, action strategies, and preferred growth scenario identified in the current RTP/SCS; and
- Demonstrate project consistency with the 2017 Scoping Plan; All applicable components within the 2017 Scoping Plan should be evaluated for consistency. One such component is transportation:

- In the GHG section of a project's CEQA evaluation, a project can demonstrate it is consistent with the transportation GHG reduction assumptions in the 2017 Scoping Plan if it can show 15% vehicle miles traveled (VMT) reduction.
- Projects which cannot achieve 15% VMT reduction need to demonstrate how they will achieve equivalent GHG reductions by implementing design changes or other offsetting GHG mitigation to comply with the 2017 Scoping Plan.
- Note: SB 743 recommends a project achieve 15% VMT reduction and is evaluated in the transportation section of a project's CEQA evaluation. The difference between SB 743 and the 2017 Scoping Plan is SB 743 recommendation can only be met by VMT reductions, whereas the 2017 Scoping Plan consistency can be achieved with VMT reductions and design changes or other offsetting GHG mitigation equivalent to 15% VMT reduction.

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/jmp

cc: Sanjay Ganpule, Applicant
Dora Drexler, APCD



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Ave
Fresno, California 93710
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 24th, 2021

Shawana Scott
Senior Planner
City of San Luis Obispo, Community Development Department
919 Palm Street
San Luis Obispo, California 93401

Subject: SLO Airport Hotel Project
MITIGATED NEGATIVE DECLARATION (MND)
SCH No.: 2021040586

Dear Ms. Scott:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from City of San Luis Obispo, Community Development Department for the Project pursuant 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, we appreciate 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 the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & 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 agency environmental review efforts, focusing specifically on

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.

Shawana Scott, Senior Planner
City of San Luis Obispo, Community Development Department
May 24th, 2021
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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.

PROJECT DESCRIPTION SUMMARY

Proponent: Sunsmitt, LLC

Objective: The objective of the Project is to construct a dual-branded hotel in the vicinity of the San Luis Obispo Airport, with a total disturbance size of 5.04 acres. Primary Project activities include construction of the hotel which is approximately 125,000 square feet, 214 parking spaces, and 219,570 square feet of landscaping.

Location: 950 and 990 Aero Drive, San Luis Obispo, California 93401. APN 053-412-010 & 053-412-011

Timeframe: Work will begin March 2022, for 20 months.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist City of San Luis Obispo, Community Development Department 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 document.

Oct 3, 2019

The unnamed ephemeral drainage and associated wetland habitat has the potential to support species of special concern. These resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. The MND indicates there is potentially significant impact unless mitigation measures are taken but the measures listed are general and non-specific and/or may be inadequate to reduce impacts to less than significant. CDFW is

Shawana Scott, Senior Planner
 City of San Luis Obispo, Community Development Department
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concerned regarding potential impacts to special-status species including, but not limited to: California Rare Plant Ranked (CRPR) 1B.1 Hoover's button-celery (*Eryngium aristulatum* var. *hooveri*), and the state rare and CRPR 1B.1 Adobe sanicle (*Sanicula maritima*). In order to adequately assess any potential impacts to biological resources, focused biological surveys should be conducted by a qualified wildlife botanist during the appropriate survey period(s) in order to determine whether any special-status species and/or suitable habitat features 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.

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: Special-Status plants

Issue: The Project site contains habitat suitable to support special-status plant species meeting the definition of rare or endangered under CEQA Guidelines Section 15380 including, but not limited to, CRPR 1B.1 Hoover's button-celery (*Eryngium aristulatum* var. *hooveri*), and the State designated rare and CRPR 1B.1 Adobe sanicle (*Sanicula maritima*). Although there was a preliminary field study done on October 3rd, 2019 that did not find any rare plants, that study was outside of the blooming period where the plants could have been identified.

Specific impact: Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts resulting from ground- and vegetation-disturbing activities associated with Project construction 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 (CNPS 2021).

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to special-status plant species associated with the Project, CDFW recommends conducting the following evaluation of the Project area,

Shawana Scott, Senior Planner
City of San Luis Obispo, Community Development Department
May 24th, 2021
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editing the MND to include the following additional measures, and including the following mitigation measures as conditions of approval.

Recommended Mitigation Measure 1: Special-Status Plant Surveys

If suitable habitat is present, CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the “Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities” (CDFW 2018). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

Recommended Mitigation Measure 2: Special-Status Plant Avoidance

CDFW recommends that special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Recommended Mitigation Measure 3: State-listed Plant Take Authorization

If a plant species listed pursuant to CESA or State designated as rare 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 subdivision (b) for State listed threatened or endangered plants or pursuant to the Native Plant Protection Act and Fish and Game Code section 1900 et seq. for State designated rare plants.

II. Editorial Comments and/or Suggestions

Lake and Streambed Alteration: The Project contains activities that may result in the Project site being subject to CDFW’s regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 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; 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, such as the unnamed stream within the Project site, as well as those that are perennial in nature.

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For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593. It is important to note, CDFW is required to comply with CEQA, as a Responsible Agency, when issuing a Lake or Streambed Alteration Agreement (LSAA). If inadequate, or no environmental review, has occurred, for the Project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSAA until CEQA analysis for the project is complete. This may lead to considerable Project delays.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base 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 (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. 4 Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental 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.)

CONCLUSION

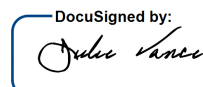
CDFW appreciates the opportunity to comment on the MND to assist City of San Luis Obispo, Community Development Department in identifying and mitigating Project impacts on biological resources.

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>). Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Aimee

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Braddock, Environmental Scientist at (559) 243-4014 extension 243 or
aimee.braddock@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

Attachments

A. MMMRP for CDFW Recommended Mitigation Measures

cc: Office of Planning and Research, State Clearinghouse, Sacramento

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REFERENCES

CDFW, 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. California Department of Fish and Wildlife. March 20, 2018.

CDFW. 2021. Biogeographic Information and Observation System (BIOS).
<https://www.wildlife.ca.gov/Data/BIOS>. Accessed May 17, 2021.

California Native Plant Society (CNPS), Rare Plant Program. 2021. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website
<http://www.rareplants.cnps.org>

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Attachment 1

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

PROJECT: SLO Airport Hotel Project

SCH No.: 2021040586

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: Special-Status Plant Surveys	
Mitigation Measure 3: State-listed Plant Take Authorization	
<i>During Construction</i>	
Mitigation Measure 2: Special-Status Plant Avoidance	

May 24th, 2021

Shawna Scott
City of San Luis Obispo, Community Development Department
919 Palm Street
San Luis Obispo, CA 93401

Subject: NOA/NOI for the SLO Airport Hotel Project

Dear Shawna Scott:

The San Luis Obispo Council of Governments (SLOCOG) appreciates the opportunity to review the NOA/NOI for the SLO Airport Hotel project. The State of California and Federal Highways Administration designate SLOCOG as the Regional Transportation Planning Agency (RTPA) and the Metropolitan Planning Organization (MPO), respectively, 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 adopted Regional Transportation Plan (RTP) and Sustainable Communities Strategy (2019 RTP/SCS). SLOCOG's Edna-Price Canyon Trail Feasibility Study and the State Route 227 Operations Study assessed bicycle and pedestrian infrastructure concepts and intersection operational improvements at several locations identified in the project's Multimodal Transportation Impact Study (MMTIS), including Farmhouse Lane, Buckley Road and segments along the SR 227 corridor.

The SR 227 Operational Study assessed roundabouts at Farmhouse Lane/SR 227 and Buckley Road/SR 227 to be the preferred intersection controls and the County of San Luis Obispo is conducting an Intersection Control Evaluation Step 2 Analysis to verify the assessment or recommend other alternatives. The intersection of SR 227 and Buckley Road currently operates at unacceptable service levels and construction of an operational improvement is expected within 3-5 years, while improvements at Farmhouse Lane are in subsequent phases. The Edna-Price Canyon Trail Feasibility Study identifies a Class I shared use path on the west side of SR 227 between Los Ranchos Road and Tank Farm Road, a portion of which coincides with Class IV protected bike lanes along Broad Street identified in the City's Active Transportation Plan. There are no pedestrian facilities on the west side of Broad Street/SR 227 between Airport Drive and Buckley Road and few driveways or potential crossing conflicts. Los Ranchos Elementary School is located less than 2 miles south of the City on the west side of the 227 corridor and serves neighborhoods in southern San Luis Obispo.

SLOCOG encourages the City and County to coordinate with regard to the in-progress ICE Step 2 Analysis for the SR 227 intersection at Farmhouse Lane and incorporate the final build alternative into City planning documents. The intersection operational improvement should incorporate safe pedestrian and bicycle crossings that allow access from the bi-directional Class I shared use path on the west side of SR 227 to the northbound Class IV bike lanes on the east side of SR 227. SLOCOG recommends that impacts from this project to the SR 227 corridor are considered. An appropriate payment toward the City's TIF to construct the operational improvement at Buckley Road/SR 227 and the segment of the Edna-Price Canyon Trail between Buckley Road and Farmhouse Lane should also be considered.

Thank you again for the opportunity to provide input. We wish you and all parties involved continued success in moving the project forward. If there are any questions, please do not hesitate to contact Stephen Hanamaikai at (805) 788-2104 or SHanamaikai@slocog.org.

Sincerely,



Sara Sanders, Transportation Planner
San Luis Obispo Council of Governments

CC: Stephen Hanamaikai, SLOCOG
Jackie Mansoor, APCD